

LOCAL LEADERSHIP AND SOCIO-ECONOMIC CHANGES IN CHINGALE AREA  
OF ZOMBA DISTRICT IN MALAWI

by

JOHN ALBERT KAMCHITETE KANDAWIRE, B.Sc. Hons. (SOC. ANTHROP.)



Thesis presented for the degree of Doctor of Philosophy of  
The University of Edinburgh, in The Faculty of Social Sciences.

September 1972

## ABSTRACT

This study has two interdependent aspects: historical and structural. Its historical aspect is obvious in that it traces changes in systems of land tenure and leadership; and its structural aspect analyses persisting systems of opposition between groups of people which are undergoing change. The relationship between these two aspects is defined by group opposition which draws people's attention to social problems, and attempts to solve these problems generate social change.

Social change is a continuous process and has neither a beginning nor an end. On the other hand, this study has a beginning and an end. It covers a period between the fifteenth and twentieth centuries. Admittedly, this is a very long span of time for any meaningful historical study to cover. This study is interested in the pre-colonial history only to construct a comparative model while its primary interest centres around colonial history.

Through the study of colonial history, the colonial situation is characterised and the framework is then used to explain changes in Chingale. Consequently this study divides into two parts: that dealing with the general colonial situation in southern Malawi, and that covering the situation in Chingale.

To begin with the pre-colonial situation. It will be noticed that the concept of contradiction between two opposed currents in the same systems of leadership and land tenure is central. The two opposed forces are the tendency towards hierarchy and that towards segmentation. The historical framework of the fifteenth century Malawi hinges on the concept of hierarchy of leadership as the term 'kingdom' suggests; and notes that by the seventeenth century the kingdom had disintegrated,



which suggests that groups of people which were once united under one leader tended to claim or assert their autonomy.

The system of land tenure is isomorphic to that of leadership and is characterised by an opposition between hierarchy and fragmentation. These forces are explained in terms of the fact that land belonged to all people, and their leaders were co-owners. But the latter were also trustees over land whose disposal they controlled for the benefit of all members. Where one segment of the whole kingdom claimed its autonomy that also meant that its leader was asserting to be the final trustee over a piece of land which was identified with the group he led. Counter claims and repudiation of such claims would create an ambiguous system of land tenure.

In the middle of the nineteenth century the system became complex as Yao, Ngoni and Makololo groups of people came and settled in southern Malawi. Through inter-group wars and frequent movements of groups, more than one criteria for defining land tenure came into being. But these changes did not alter the basic principle of communal ownership of land.

This was the situation which European planters found in the 1870s and 1880s in the Shire Highlands. They exploited it by acquiring land from African chiefs, and in 1891 acquired legal title to land from the first Commissioner and Consul-General of the British Central Africa Protectorate. The application of the British notion of land tenure had a far-reaching effect on local leadership. The transfer of land from Africans to Europeans corresponded with a shift of political power from chiefs to the Protectorate Administration who shared it with European planters.

The new system of land tenure was based on the classification of

land into Crown and freehold. Africans were equally divided between those who resided on Crown and those on freehold land. Both groups were dispossessed save that the former were allowed to continue to lead their traditional life. The latter were frequently disturbed by the European planters who used to force them to work on plantations.

The Administration had let thangata (forced labour) grow into a serious human problem before they started to take legal steps to stop it. This negligence has been explained in terms of Johnston's policy of agricultural development through European-owned agricultural estates, which was consistent with his policy of Crown land sales. However, his successor changed the policy of Crown land sales to leases in 1904. But he continued with the policy of development through the agency of European planters. These contradictory policies plus attempts to abolish thangata characterised a perennial situation of conflict between the Government and the community of planters.

Through the analysis of this conflict it is shown how development in Malawi was neglected. But the major aim is to demonstrate the thesis that put into a powerful economic position, the planters used it to weaken traditional leadership. This thesis is clearly illustrated in the fourth chapter which traces the evolution of a subsidiary administrative system of villages and native authorities. Through their participation in the Legislative Council since 1907 the planters influenced the Government to establish an asymmetrical system such that traditional leaders on agricultural estates did not wield as much authority as their counterparts on Crown land. The emergence of a political party type of leadership is said to have arisen from this situation.

From this general historical framework is drawn the conclusion

that socio-economic changes in Malawi were accompanied by an erosion of the economic base of traditional authority. Complementary to this conclusion is the thesis that the system of agricultural estates did not amount to development for Africans in general. To illustrate it this study begins to focus on Chingale in the fifth chapter.

Chingale was an agricultural estate from 1891 to 1948 when the Government bought it from The British Central Africa Company. The aim for buying it was to resettle Africans evacuated from the remaining agricultural estates. These came to reside side by side with their fellow Africans who were in the area during the period of thangata. The result was overcrowding, and this further resulted in the emergence of a conflict between old and new comers.

This conflict was a response to the multiplication of administrative villages on a fixed piece of land, which gave rise to claims and counter-claims from Village Headmen who sought to establish their domination over one another on the basis of seniority of residence.

Party political leaders got involved in the settlement of these disputes. But they did not arbitrate because the settlement of disputes over land between Village Headmen was Chief Mlumbe's responsibility. However, they were the only effective leaders who could hold exploratory meetings between protagonists before the matter was taken to the Chief.

The study concludes with an explanation for not defining local leadership. It is argued that definition is possible only if leadership is taken to mean a system of oppositions because of the co-existence and even combination of principles of social organisation which connote a plurality of local leaders.

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ACKNOWLEDGEMENTS

Various people, at different stages of my research, both in Malawi and Britain, have assisted me and to them I would like to express my gratitude.

An opportunity to do field research in Chingale arose when the Research Committee of the University of Malawi gave me funds in November 1969. But residential research was possible only after the Zomba District Office of the Malawi Congress Party gave me permission to go and live in Chingale. And documentary research in Britain was made possible when the Commonwealth Scholarship Commission in the United Kingdom gave me an award of The Commonwealth Academic Staff Scholarship in October 1970. Therefore, I feel deeply indebted to these three organisations.

I am also indebted to Mr C A Baker who was Principal of The Institute of Public Administration in Blantyre, and to Major Orgill who was District Commissioner in Zomba. Both of them had at different times worked in Chingale in connection with the 1948-58 Government Settlement Scheme. They gave me valuable information about the scheme. Also Mr Cole-King of the Department of Antiquities and the Staff of The Land Registry Office in Blantyre assisted me.

Messrs G T N Kamwambe, A T Matemba and D Mzumara - all of the National Statistics Office in Zomba - were kind enough to furnish me with census maps and statistics which had a bearing on Chingale. Without this background information I would have found it difficult to make a quick start in my field research. Hence, I would like to thank them all.

I would also like to convey my thanks to Messrs R G Grant of the

Salisbury Office and B W Buck of the London Office of Lonrho. Both of them assisted me when I asked them for information about The British Central Africa Company. Through Mr Grant I got in touch with Mr Tajpol and Mrs Withers in Blantyre. They too assisted me with some historical information on The British Central Africa Company.

In Chingale, my thanks go to all Village Headmen and their villagers, as well as to officials of the Malawi Congress Party. I would particularly like to mention Messrs A W Zimbili, Edson Jussu and Nkalira, as Area Chairman, Secretary and Treasurer of the party, respectively, who looked after me and introduced me to people in the area.

Fathers McCoy and Baylor of Namitembo Catholic Church, Father Sauli of Chilipa Anglican Church, and Reverend Naunje of Nansambo CCAP were so kind to me for the whole of my stay in Chingale that I find no suitable words to convey my gratitude to them.

In August 1970 two students from Chancellor College of the University of Malawi assisted me in Chingale. They were Miss M Muwalo and Mr P Maliselo. Mr David Shears in Edinburgh assisted me with the preparation of maps while Professor G Shepperson gave me the inspiration. My wife Julia gave me a lot of encouragement all the time. All these deserve more than thanks from me.

I would also like to thank my Supervisors in The University of Edinburgh. They were Dr P Wass of the Department of Educational Studies, Dr K King who replaced Dr Wass when the latter left for Kenya in February, 1972, Mr H W Ord of the Department of Economics, and Dr R G Willis of The Department of Social Anthropology. I am particularly indebted to Dr Willis who gave me continuous supervision from the beginning to the end of my course of study.

I should, however, point out that those who have given me assistance do not necessarily share the same views with me. For this reason I would like the responsibility for what is contained in this study to lie on my shoulders.

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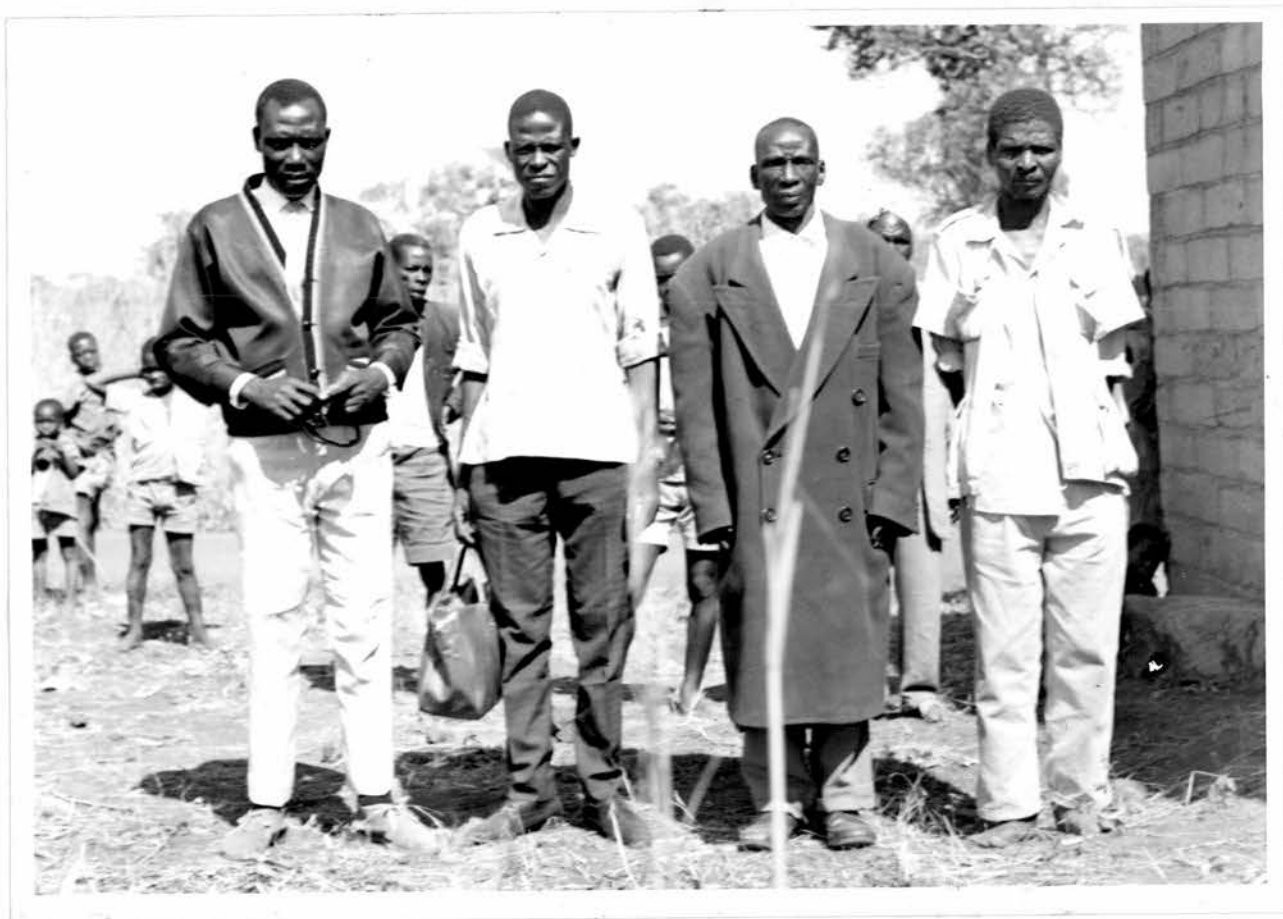


ABBREVIATIONS

BCA	-	British Central Africa
BCA Co.	-	British Central Africa Company
BM Lond.	-	British Museum, London
CA	-	Central African Pamphlets
CAC	-	Crown Agency for the Colonies
CAS Edin.	-	Centre of African Studies, Edinburgh
CCAP	-	Church of Central Africa Presbytery
CCL Mw	-	Chancellor College Library, Malawi
CD Dept.	-	Community Development Department
CO	-	Colonial Office
Cmd.	-	Command Paper
DDC	-	District Development Committee
EA	-	East African Pamphlets
EUL	-	Edinburgh University Library
FCO Lond.	-	Foreign and Commonwealth Office, London
FO	-	Foreign Office
GVH	-	Group Village Headman
ICS Lond.	-	Institute of Commonwealth Studies, London
IPA	-	Institute of Public Administration
HMS	-	Her Majesty's Steamer
HMSO	-	Her Majesty's Stationery Office
LRO Bt. Mw.	-	Land Registry Office, Blantyre of Malawi
MCP	-	Malawi Congress Party
NA	-	Native Authority
NLS Edin.	-	National Library of Scotland, Edinburgh
PRO Lond.	-	Public Record Office, London
RAI of GB & I	-	Royal Anthropological Institute of Great Britain and Ireland
RLI	-	Rhodes Livingstone Institute
SUP of EAS	-	Syracuse University Program of East African Studies

Plate I:

SOME LOCAL LEADERS IN CHINGALE IN 1970



From left to right: Messrs Zimbili and Manthongo - Area Chairman and Vice-Chairman of the Malawi Congress Party, respectively, and G V H Mbukwite and Mkasala.

## CHAPTER ONE

### PROBLEM IN THE COLONIAL CONTEXT

#### The Problem:

When writing on the social structure of the Machinga Yao of Malawi, James Clyde Mitchell defined his problem as one of appreciating the key<sup>1</sup> position of a village headman in this structure. Although he devoted<sup>2</sup> a chapter to the historical background of the situation which he studied between 1946 and 1949, he restricted his subject matter to a kinship village as a political unit within a chiefdom. He treated the chiefdom as "the total structure".<sup>3</sup>

He saw the chiefdom as being constituted by kinship villages which stood in ranked positions depending on how closely or distantly related their respective village headmen were to the chief. This relationship was based on kinship and historical association in warfare, or lack of<sup>4</sup> it, between the chief and his headmen.

The kinship village itself was seen as being composed of genealogically linked matrilineages<sup>5</sup> with some lineages linked patrilocally to the dominant lineage. The subsidiary groups in the villages were said to be a product of wives who had married virilocally to men of the

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<sup>1</sup> Mitchell, J C., The Yao Village: A Study in the Social Structure of a Nyasaland Tribe, Manchester University Press 1966, p 1

<sup>2</sup> *ibid*, Chapter Two, pp 22-45

<sup>3</sup> *ibid*, p 3

<sup>4</sup> *ibid*, pp 76-105

<sup>5</sup> *ibid*, pp 131-3

6

dominant lineages. Mitchell made the relationship between the headman and his villagers centre around their close identity with one another through the lineage whose unity was the concern of all to preserve and shut the way to sorcerers.

But he also pointed out the fact that among the Yao there was a belief that sorcerers killed their maternal relatives,<sup>7</sup> and that when a member of the lineage was accused of practising his craft against fellow members then the group was in danger of segmentation. The multiplication of Yao villages was attributed to this factor. This poses a question as to whether the multiplication of villages in relation to space of land could go on indefinitely.

This study centres the operation of social relationships around the limited space of land. Its problem is rather similar to that dealt with by Mitchell. It is about the ranking of village headmen and segmentation of villages in Chingale area of Zomba District in Southern Malawi. But there are some fundamental differences too.

Whereas Mitchell talks about the Yao kinship village, this study is about the Yao, Mang'anja, Lomwe, Ngoni and Makololo administrative villages crowded on a very limited space of land. Whereas Mitchell talks about the position of the Yao village in the Yao chiefdom, this study concerns itself with opposition between villages which at once defines a ranked and an egalitarian system of leadership. And whereas Mitchell talks about the multiplication of kinship villages through the process of segmentation as a result of sorcery accusations within

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ibid, p 183

7

ibid, pp 136-7

the village, this study looks at the multiplication of villages through immigration of people from other areas who either came as administrative villages or first attached themselves to existing villages in the area from which they emerged as administrative villages.

The problem to be analysed here is posed by the administrative framework which Mitchell relegated to a secondary position in his study. It is about the relationship between administrative village leadership and the system of land tenure. It is admittedly a complex problem, full of ambiguity, and it is characterised by social conflicts between neighbouring villages. It also manifests a considerable decline of political power among village headmen.

It is the view of this study that this problem can best be understood within a wide historical context which includes the evolution of the system of land tenure and that of administrative villages in Southern Malawi. This study adopts the thesis that these two systems are consequences of British colonisation of Malawi which lasted from 1891 to 1964. Therefore, it examines the problem within this colonial context.

The rationale for adopting this approach is that the people who live in Chingale divide into two groups. There are those who were in the area before 1948 and those who came there after that year. Between 1891 and 1948 both groups lived in agricultural estates privately owned by European planters. In these estates both groups were subjected to the system of thangata or forced labour, from 1891 to 1948. In 1948 the Protectorate Government bought Chingale from private owners and emancipated the Africans living there from thangata. But they also resettled in the area other Africans evacuated from other estates. Under the system of thangata the system of administrative villages

operated differently from the way it operates in the freed area.

By 1948 the system of administrative villages had been experimented upon for thirty-six years and had already established roots. And when the evacuees were brought into the area they were organised into administrative villages. According to this system each village has a geographically fixed administrative area over which the Village Headman is delegated authority from the Chief to distribute among villagers. In his turn the Chief gets his authority over land from the Government.

Hence from the administrative point of view Village Headmen are of equal standing irrespective of whether they are the Chief's kinsmen or not. But from the point of view of villagers there are some who regard newcomers to the area as having less authority over land matters in the area than themselves. Again, this discrimination cuts across ethnic boundaries. This second point of view means that old settlers overlook the fact that both groups of people had no land during the period of thangata and that the Government bought the area for all of them.

Two consequences follow from this ambiguous situation. First, it throws doubt on a general view that Africans own land communally on the basis of which the Government decided to mix the emancipated Africans from different estates in one area. The concept of communal ownership applies to localised groups other than to Africans as such. Secondly, there is the fact that even though these groups are opposed to each other over land, and through this opposition a hierarchy of land tenure emerges, there is also the fact that there are other people in the area who reject domination from early settlers and thereby articulate an egalitarian system of land tenure.

The history of land tenure forms the subject of the second chapter in this thesis. It is actually derived from the history of the country. It divides into two parts: pre-colonial and colonial. Pre-colonial history is not fully documented, and the fragmentary information which is available covers a period between the fifteenth and mid-nineteenth centuries. This is a very wide time-scale whose history can only be treated superficially. But it serves one important purpose of this thesis which is to postulate a model for explaining the relationship between systems of land tenure and local leadership and changes in them.

The pre-colonial history of Malawi begins with the arrival of Karonga from Zaire (Congo) and the establishment of the kingdom of Malawi under him. It was predominantly a Chewa-Mang'anja kingdom since the other groups like the Yao, Ngoni, Makololo and Lomwe came to Malawi during the second half of the nineteenth century. This kingdom is reported to have disintegrated by the eighteenth century and that a mushroom of smaller kingdoms sprung up after it. Indeed, Dr Francisco Jose Maria de Lacerda, an eighteenth century Portuguese trader, reporting on Manoel Caetano Pereira's visit to 'the lands of Kazembe' in Zambia, mentions that in May 1796 Pereira passed through "the Marave kinglets called Bive, Vinde, Mocanda, Mazy and Mazavamba."<sup>8</sup> But these so-called kinglets were also short-lived.

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<sup>8</sup> From Dr Francisco Jose Maria de Lacerda to D Rodrigo de Souza Coutinho, 22nd March 1798, in *'The Lands of Cazembe'*, translated by R F Burton, London, John Murray, 1873, pp 34-5.

It is worth adding that three of the kinglets mentioned in the passage may be identified as chiefdoms of Unde, Mkanda and Mwaswe which exist today.



When the other groups came into the country during the second half of the nineteenth century the Marave kingdom only lived as traditions locked up in the minds of elders of localised lineage groups. Since then the country was divided into areas which came to be identified with dominant ethnic groups whose members were interspersed with those of others. In structural terms this change meant that the hierarchy of authority which the term 'kingdom' suggests gave way to a number of hierarchies which a mushroom of kinglets suggest; and then the coming of other ethnic groups, who could not fit into the hierarchy suggested by the term 'Marave kingdom', dealt a shattering blow to the erstwhile kingdom.

From this brief account emerges the system of land tenure which corresponds to the system of leadership. Starting from the concept of a unified kingdom to the concept of a multiplicity of kingdoms, down to the level where these kingdoms exist at the level of ideas only, there generates an ambiguous system of land tenure which is at once ranked as some people claim authority over the disposal of land to others, and egalitarian as other people repudiate claims of authority from those who would like to monopolise it.

The thesis of this study is that the ambiguous character of the system of land tenure is due to the fact that there is no single criterion which, alone, can be used to determine who owns the land. Belonging to an ethnic group may be a useful criterion for this purpose. But the disintegration of the kingdom of Malawi and the consequent fragmentation of the system of land tenure shows how inadequate this criterion is. In this case what is of importance is the fact that leaders who are ranked according to whether the lineages to which they belong are senior or junior did not own land. Rather, the unified



kingdom was composed of a hierarchy of authority to control the disposal of land which belonged to all people in the kingdom. The last man on top of the hierarchy received tributes from non-kinsmen who lived on the land. The disintegration of the kingdom meant that leaders of localised groups claimed to be the final authority on the disposal of land within their jurisdiction, which further meant that they were the recipients of tributes from their followers.

This was the situation which European land seekers found in the 1880's. During this decade they secured to themselves vast areas of land from local chiefs, who allowed them to cultivate the land in expectation of British protection against their local adversaries. When the British Central Africa Protectorate was proclaimed in 1891 the European planters secured legal titles to land from the first British Commissioner and Consul-General responsible for the administration of the new Protectorate. The Commissioner himself acquired the rest of the land and declared it Crown land.

This transfer of rights to control the disposal of land, from African chiefs to the two sectors of the colonial situation, meant a shift of political power from traditional leaders to the colonial administrators and European planters. The dispossessed African population was divided between those who lived on Crown land and those who lived on freehold land. In these two spheres of colonial influence the Africans faced the same problem of lack of fixity of land tenure. But the problem was felt by the dispossessed Africans in two different ways.

On Crown land the problem was that the incoming Europeans needed it for agricultural development, and this aroused fears among Africans of wholesale alienation of the land on which they had been allowed to lead life in their own fashion. The Government was apprehensive about

this problem and adopted a policy to safeguard African rights in land. But this policy was contrary to the policy of agricultural development through the agency of European planters who were encouraged from the beginning of the Protectorate to own land individually.

Lying behind these contradictory policies was the question whether the Protectorate should develop as a 'white man's country' or be reserved for Africans who should be protected from the increasing flood of colonisation. European planters were for colonisation while the Government held a different view, and this difference between them resulted in a persisting situation of conflict between two sectors of the colonial situation. The Government waded through the heat of this situation by modifying conditions on which Crown land was leased to Europeans, by partitioning the land on racial lines, by delaying action on recommendations of Government-appointed Land Commissions, by making verbal assurances to African chiefs that their interests were being safeguarded, and by denying the African population their right to participate in the development of their country except as labourers.

On freehold land the problem was about the relationship of forced labour, best known as thangata, which developed between European planters and Africans resident on freehold land. This relationship was left to develop during the first thirteen years of British Administration of the Protectorate. During this time the relationship developed into a chronic human problem.

The Government began to make attempts to regularise the relationship between the planters and Africans after the High Court in Blantyre had passed judgement against thangata in 1903. These attempts were in the form of a series of Land Commissions of Inquiry

and Ordinances. This study maintains that these attempts sought to hide conflict between the two sides to the relationship of thangata behind juridical fiction.<sup>9</sup>

Yet, paradoxically enough, the European planters did not respond favourably to these attempts. Instead, they again brought themselves into a situation of conflict with the Administration which was promoting their interests. This conflict and the persistence of thangata rendered the legal method to solve the problem useless. In 1948 the Government found a partial solution to the problem when they bought estates from A L Bruce as well as from the British Central Africa Company to resettle Africans evacuated from other estates in the Shire Highlands.

The conflict between the Government and European planters over land policy supports the thesis that the transfer of authority to control the disposal of land meant the transfer of political power; for in this situation of conflict Africans were mere objects or pawns over which the two sectors of the colonial situation disagreed. It also shows that the planters who actually controlled land as a means of economic development had an upper hand over decisions affecting the position of Africans. This thesis is developed further in the fourth chapter which demonstrates how planters influenced the shaping of the subsidiary systems of village administration and native authorities.

It will be seen that the structure of contradiction comes out very clearly in this chapter as it reviews the political history of Malawi. The argument which is demonstrated is that even though the

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<sup>9</sup> of Mercier, P., 'The European Community of Dakar', in P L van den Berghe's Africa: Social Problems of Change and Conflict, San Francisco, Chandler Publishing Company, 1965, p 283

Government intended the system of village administration and native authorities to serve the purpose of entrenching colonial rule by improving its methods of tax collection from and communication with Africans to maintain law and order among them, European planters opposed these measures because they implied Government recognition of traditional leadership. Traditional leadership was feared by planters because it could conflict with their authority over Africans who lived on plantations.

Consequently, when the system of village administration and native authorities was finally inaugurated, its development bore the stamp of the dual system of classifying land into Crown and freehold. That is to say that traditional leaders on freehold land wielded less authority over their followers than their counterparts on Crown land. That is because European planters exercised that authority which concerned the relationship between men and land on freehold land, while on Crown land which was being used by Africans such authority was enjoyed by traditional leaders under the direct control of the Government.

Towards the end , the fourth chapter briefly touches on the theme of the rise of Malawi nationalism in response to the colonial situation. This nationalism was characterised by the rise of a new type of leadership in the form of articulate Africans. These grew in strength and eventually challenged the whole concept of British colonisation.

After characterising the colonial situation analysis begins to focus on events in Chingale. Chapter five links the three preceding and two following chapters by a combination of purposes which it serves. In the first place, it assesses the extent to which the two systems of land tenure and leadership in Chingale were affected by the emergence

of the colonial situation. And in the second place, it elaborates a theory which emerges from the study of historical processes in Chingale, and this is done within the general historical framework outlined in chapters two, three and four.

To take the second aim first. Use of oral testimonies from Chingale is made to support the thesis made in the second chapter that the ambiguous character of the system of land tenure arises from lack of a single and decisive criterion for determining who owns land and who does not. The oral testimonies which are used in this chapter are all from Yao people, and they reveal that Mag'anja people own land because they are old settlers and Yao people own it because they had once subdued the Mang'anja people.

Another point which comes out of these testimonies is their contradiction. This has also been explained in structural terms in support of the thesis that contradictions are a representation of social structure and that they arise from the way respondents report what they select from a totality of events to justify their claims. It should be added that these oppositions show divisions even among members of the same ethnic group.

The second aim of the chapter is based on the fact that Chingale was a privately-owned agricultural estate from 1891 to 1948 so that all that has been said about the confrontation between planters and the Government applies to it. The testimonies from Chingale are full of complaints against the British Central Africa Company who used thangata as a way of making profit in the area. It is important to note the thesis that agricultural estates in Malawi did not serve the purpose of development for Africans as it is witnessed by

evidence from Chingale where by 1930 the British Central Africa Company had stopped direct exploitation of land but continued to make profit from it through thangata.

This chapter also makes the point that when the Government bought the estate from the British Central Africa Company and started to re-settle Africans evacuated from other estates in the Shire Highlands, it brought traditional leaders into a position where they began to enjoy authority which they had been denied for a long time on private estates. In addition to this point, this chapter describes the emergence of political party leadership as well as the African businessmen. Then the relationship among traditional leaders, party leaders and businessmen is analysed.

The conclusion which emerges from the relationship among these three types of leader is that the traditional and political leadership is not based on the leaders' participation in business. This revelation is held to be significant because as far as it concerns party leadership it shows that political development in Malawi is not rooted in the foundation of money economy. On the other hand it shows that traditional leadership is still removed from money as a source of political power. Rather they continue to draw their power from the number of villages under their control.

Another point worth bearing in mind is that despite sharing common experience of change in the system of land tenure, the people of Chingale did not value land as an individual's property. In other words, the system of land tenure and the corresponding system of traditional leadership retained their structure through change which made the system complex.



Chapter six demonstrates how the relationship between systems of village leadership and land tenure is characterised by opposition between neighbouring villages. This demonstration involves the analysis of disputes over land. These disputes characterise a structure similar to that characterised by oral testimonies.

Attempts to solve the problem of disputes are discussed in the seventh chapter which introduces political party leadership into the situation of disputes. This chapter demonstrates the thesis that traditional leaders are in a weak position to deal with the problem, whereas party leaders are not licensed to settle land disputes between traditional leaders. Yet, it is the party leader who commands respect among Village Headmen so that reconciliation between protagonists, which is brought about by Chief Mlumbe through his councillors, is usually facilitated by party leaders.

#### Methods of research:

Two basic methods were used for the collection of data on which this study is based. One of the methods is ethnographic as it will be evidenced by the last section of this chapter and by chapters five to seven. The other method is historical. This combination needs a brief explanation.

In studies on methods of social research one is usually advised to prepare a research design before one begins field research. The argument is that one must be clear of and precise on the questions one is going to ask before one goes to do field research. And in order to do this one is expected to have prior knowledge of the area of study.<sup>10</sup>

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Stacey, M., Methods of Social research, London, Pergamon Press, 1969, p 35. Also see Nisbet, J D and Entwistle, N J., Educational Research Methods, University of London Press Ltd, 1970, pp 16-18.

But Social Anthropologists prefer the direct method of observation<sup>11</sup> and relegate the questionnaire method to a secondary position.

This is because their objective "of drawing up rules and regularities of tribal life" requires that they should collect concrete data rather than attempt to question respondents "in abstract, sociological terms".<sup>12</sup> Besides this reason there is the scepticism that if half of one's work were to be done in an arm-chair, then one's approach in the field would be selective and prejudicial. This would not enable them to study a group of people in what Evans-Pritchard termed as "the full context of their social life as a whole".<sup>13</sup>

The non-availability of documented history of Chingale, and the scepticism that a research problem formulated in the office might hinder one from looking at sociological problems in their full context, influenced the decision to go to Chingale without a research design and then conduct an exploratory investigation in order to build up an inventory of problems for possible concentrated investigation in their wider sociological context. Chichewa language was used for this purpose.

As opposed to these two reasons there was the desire to adopt a structural approach to the study of socio-economic changes in Chingale. This approach involves classifying social structure into opposed component parts, an examination of the source of opposition between these parts, and a study of the evolution of this structure. This approach

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<sup>11</sup> Notes and Queries in Anthropology, London, Routledge and Kegan Paul Ltd, 1967, pp 36-40.

<sup>12</sup> Malinowski, B., 'Subject, Method and Scope', in Anthropology, by Rapport, S and White, W, (eds), New York University Press, 1967, p 105.

<sup>13</sup> Evans-Pritchard, E.E., Social Anthropology, London, Cohen & West, 1964, p 80.



is based on the assumption that the social structure being studied emerged from a structure which it has replaced in the course of its evolution and that it brought forward with it some constituent elements of the preceding structure.<sup>14</sup>

Interest in the study of the evolution of social structure is based on another assumption which is that a structural study of the society as it functions is not an end in itself. Rather, it should be treated as an entry-point to the study of a series of processes of change; and such a study requires that the research scientist should be rotating between the field and the library or other sources of information to cross-check his discoveries with what other research scientists have written on the subject, or with people who are acquainted with the area but are revealed to the researcher in the field. This is how the Chingale field research was planned.

That is to say, when it was learnt that elsewhere there was a person who would possibly be of help on historical information, an effort was made immediately to see him. When somebody made it known that in such and such an office there might be relevant records on the subject or area of study, a visit was paid to that office.

The result was that at the end of the period of residential research in Chingale in September, 1970, eighteen meetings and several local court proceedings had been attended, forty-eight Village Headmen plus fifty-one African businessmen were interviewed in the area. Also, fourteen other people outside the area, three Government Departments and one District office of the Malawi Congress Party gave their valuable help to make this research a success.

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of Godelier, M., 'System, Structure and Contradiction in Das Kapital', in *Structuralism: A Reader*, by Lane, M. (ed.), London, Jonathan Cape Ltd, 1970, pp 349-50.

The date when field research began was soon after the University of Malawi had made funds available for its commencement on the 2nd November 1969. But the actual residential research did not begin until the 1st April 1970. Between these two dates a painful and frustrating experience of establishing rapport with people who matter was gone through.

The first problem of establishing rapport was that permission to go and live in Chingale had to be obtained from political leaders responsible for the area. The first leader to be approached was the Hon. Mr A A Lisimba, Member of Parliament for Zomba West; almost at the same time the District Commissioner for Zomba was also informed about the proposed research and his assistance was sought. A month later (on the 4th December 1969) a letter was written to the District Office of the Malawi Congress Party in Zomba repeating what had been requested from Mr Lisimba. Besides these letters, several telephone calls and visits from Blantyre to Zomba were made.

It was not until the 13th February 1970 when the Hon. Mr Lisimba, the District Chairman of the Malawi Congress Party in Zomba, and twenty Malawi Congress Party leaders from Chingale were met in the Zomba District Office of the Party. It was on that date when the proposed field research was explained to them at length and they welcomed it.

However, Mr Lisimba warned that the situation was not yet conducive to such a project being carried out in the area at that time and suggested that it should be postponed for about a month. This was because there had been a wave of mysterious night murders in Blantyre since the beginning of 1969 to 1970. This affected nearby areas where strangers from 'Town' were being looked at with suspicion. The Member

of Parliament was concerned with the safety of the research team in the area and wanted to make sure that before this proposed residential research began, the local party leaders should look for a suitable accommodation which could ensure this safety.

On the 20th February 1970 there was news that a house had been found at Chinseu Market in Mkasala Village, and that it belonged to Mr Boyd Chimpeni who was to be contacted directly. And Mr Chimpeni was immediately informed in writing that the house would be occupied with effect from the 31st March 1970. The promise was honoured and on the 1st April 1970 field work began.

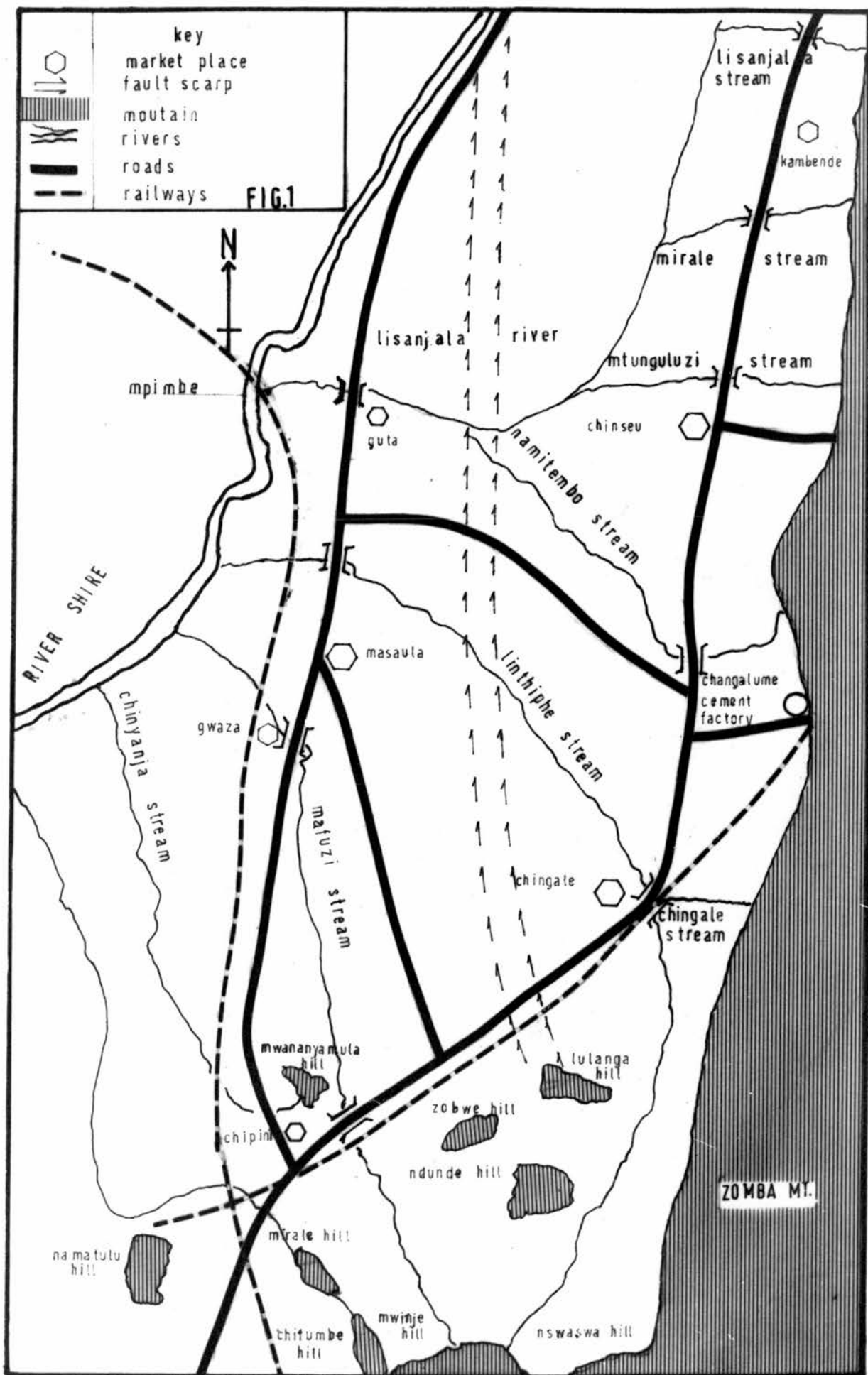
#### Geographical layout of Chingale:

The geographical framework of the area is a constraining factor to village organisation in Chingale. This section seeks to classify physical features in the area so as to specify the limitation of habitable land, define the distribution of people's settlements, and characterise how this distribution relates to ethnic groups to which the people living in the area belong.

Chingale is a distinct geographical area which can easily be defined. It is in Zomba District of Southern Malawi. It lies between latitudes  $15^{\circ} 15'$  and  $15^{\circ} 30'$  south, and between longitudes  $35^{\circ} 00'$  and  $35^{\circ} 30'$  east. It is a stretch of plain on the leeward side of Zomba plateau, and it lies on the left bank of Shire River in the southern section of the Great Rift Valley. It measures eighteen miles in length and twelve miles in its broadest width, giving a total area of nearly two hundred square miles. According to the 1966 census

# MAP OF CHINGALE

This map is based on a sketch drawn by the author.



report there were thirty-four thousand people in the area, <sup>15</sup> giving it a population density of one hundred and seventy people per square mile.

The area is bounded on the east by the Zomba Rift Fault Scarp, on the west by Shire River which, together with Chigwandembo stream in the north, also separates Zomba from Kasupe District, and on the south by a chain of hills. These hills lie in an east-west axis in the following order: Nswaswa, Mwinje, Chifumbe, Mirale and Namatulu. They separate Zomba from Blantyre District.

From its boundaries Chingale is about five miles west of Zomba Township, forty miles north of Blantyre City, and three miles south-west of Kasupe Administrative Centre. It was accessible by car from any of these points by a simple system of seasonal roads, and by rail from either Blantyre in the south or Balaka in the north. Internal communication by foot or bicycle was made easy by the availability of a simple road system and a complex network of footpaths.

The population is not evenly distributed. Some sections of the area sustain more people than others due to its geographical layout. Broadly speaking, the area is characterised by the Shire Rift Fault Scarp which begins at contour 1,700' above sea level and stretches from the edge of Chinduzi chain of hills in the north going to the south where it joins another chain of hills already mentioned in the preceding paragraph. This Rift Fault Scarp divides Chingale into two triangle-like terraces which, in this thesis, will be designated Shire-side or lower terrace, and Mountain-side or higher terrace.

The area lies at a general altitude which ranges from 1,550' above sea level, on the lower terrace, to 2,000' above sea level on the

Plate II:

VEGETATION IN CHINGALE



From left to right: Top - Mixed savanna woodland and palm trees  
Bottom - Grass and stalks of maize after cultivation, and River vegetation.



higher terrace. This range allows little variation in temperatures between the two terraces. Yet, there is a marked difference in temperature between hill-tops and the plain. For instance, whereas the Shire-side terrace can get as hot as to raise its temperature to over 95° F during the hot season, some of the hill-tops in the south do experience a temperature of 70° F during the hot season. The cold season between May and July is mild, but can sometimes be wet. Average rainfall is known to have reached 30 to 40 inches; and the rainy season lasts from November to March.<sup>16</sup> Between April and July sunny days are occasionally interrupted by rain, while the hot and dry season lasts from August to November.<sup>17</sup> And vegetation is of mixed savanna.

All these geographical conditions influence the distribution of population in the area. But the drainage system and availability of water seem to be crucial factors. For example, the area is traversed by numerous streams from Zomba Mountain as well as from the chain of hills in the south. There are seven streams which may be worth mentioning. Starting from the south, there are Chinyanja, Mafuzi, Linthipe, Namitembo, Mtunguluzi, Mirale and Chigwandembo. The last three streams are tributaries of Lisanjala River which starts as several rivulets from Malosa and Mongolowe mountains in Kasupe District. It flows southwards parallel with the Zomba Rift Fault Scarp, as well as with River Shire, until it reaches its confluence with Namitembo stream where it turns at right angle and flows westwards to join River Shire.

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<sup>16</sup> Murray, S S., A Handbook of Nyasaland, CAC, London, 1922, p 104.

<sup>17</sup> This includes acacia found next to River Shire, mopane found mainly on the lower terrace, and riverine forestes found mainly on courses and streams.

Yet, despite the availability of three notable streams south of Namitembo, the southern part of Chingale experiences an acute water shortage during the dry season. This is so because streams in this part of the area flow seasonally. Owing to deforestation a lot of stream water evaporates quickly. But deforestation is supplemented by the fact that stream valleys are flat and sandy so that water sinks as it slowly tries to sweep its way down to River Shire. Consequently, the southern part of the area is not as densely populated as the better watered northern part.

However, it should not be concluded that because water is the determining factor in the distribution of population therefore the bank of River Shire is also a densely populated section of the area. On the contrary, it is the northern section of the higher terrace which is densely populated, seconded by Linthipe valley in the southern section of the lower terrace. This is because these sections are not as swampy as the bank of the River Shire.

Besides determining population distribution, this physical discontinuity of the area also influences the way people belonging to localised groups within the area see themselves in relation to others. This fact even renders meaningless the application of the name Chingale to the area defined above.

This is so because the name Chingale is derived from a small perennial tributary of Linthipe stream. The surrounding of the confluence of these two streams is also referred to as Chingale. It is a growth-point around which in 1903 the British Central Africa Company who owned the area built their offices, and in 1951 the Nyasaland Government established an administrative station. It is due to the



administrative station that the name Chingale was applied to include all sections of the area served by this station.

Prior to the application of this name to the whole area, two other names were heard of in history. One is Namitembo, and it is derived from a stream already referred to above. These days Namitembo refers to a central section of the area lying immediately south of the stream. Namitembo stream is perennial so that during the dry season it serves a bigger population of people than it does during the wet season. But the literal meaning of the word is also said to echo some sad event which is felt to be the source of the name of the stream. This sad event was a series of inter-ethnic group wars which swept through the area between 1860 and 1870. Many people who died during this period of time were left to float in the stream; and since a person's dead body is called mtembo in Chichewa, it is argued that the name commemorates this sad event. Hence, Namitembo stream is understood to connote 'the river of the dead', while the area called after it is 'the land of the dead'.<sup>18</sup>

Another name which one comes across when reading historical records is Mphimbi. As will be mentioned in chapter two of this thesis, the name derives from a Mang'anja chief whose jurisdiction is said to have extended from the western bank of Shire River, to the foot of Mount Zomba in the east. After the eastern section of this domain had been claimed by a European planter in 1891 it still carried Kuphimbi's name. But this name became famous with the development of river transport during the second half of the nineteenth century. Mphimbi was one of the river stations on the middle valley of Shire River.

In addition to these two names there are others which refer to various sections in the area. For example, north of Namitembo there

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<sup>18</sup> Watson, J H E., 'Some Historical Notes on Zomba', Nyasaland Journal, 8, 2, July 1955, pp 58-62.

are Chinseu, Mirale and Magomero; and south of Linthipe there are Chipini and Mwinje. All these names, plus others, are sources of confusion since some people from the area may deny that they belong to Chingale, but to, say, Magomero. This is understandable since the area does not form one administrative entity; and in terms of political party organisation it ceased to be one area branch of the Malawi Congress Party in 1971. There are now two branches called Chingale and Namitembo, respectively.<sup>19</sup> Nevertheless, it is generally accepted by people who look at the area from outside that Chingale designates an area included in the description adopted in this study; and this is the sense in which the name is used here.

#### Villages and Ethnic Groups:

The ambiguity of the social system arises from the relationship between ethnic and administrative principles on the one hand, and the geographical framework on the other. Inhabitants of the area can be classified into at least five ethnic groups, namely: Mang'anja, Yao, Ngoni, Makololo and Lomwe. But they do not form localised partitions. They came to the area at different times and their claims as co-owners of land are influenced by these differences in time of arrival. A detailed description of their movements will be postponed to chapter two. Here it will suffice to mention them briefly.

The Mang'anja people are the earliest group of inhabitants of the Shire valley in general. But only few of those who live in Chingale today can claim to be descendants of aboriginals of this particular part of the valley. The area was opened to immigrants from many parts of the Shire Highlands after 1948. Since that year many people of all five ethnic groups mentioned above found their way into the area.

Nevertheless, when the first group of Yao immigrants led by Njowe

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<sup>19</sup> Private communication from Zimbili to Kandawire, 7th February 1972.

came into the country during and after the 1860's, they passed through Chingale where they found the Mang'anja people and drove them from the higher to the lower terrace. But Njowe did not settle in the area; he proceeded southwards and settled near Matope in Blantyre District. It was the group of the Mangoche Yao, under the leadership of Mlumbé and his brother Mkanda, who came and settled near Mwinje hill in the area. But these too left the area for Mount Zomba where Chief Mlumbé lives up to this time. It was much later in the 1890's that some of his followers returned to the area to settle.

What drove the Yao people from the valley to the mountain and other hill-tops was the Maseko Ngoni who followed their footsteps. Yet, even the Ngoni people did not stay in the area permanently since they were mobile regiments. Besides, they, like the Yao under Njowe, had settled near Matope in Blantyre District.

It was during this period of inter-group conflicts when Makololo people came on to the scene as protectors of the harassed Mang'anja. They were put into that position by David Livingstone who left them on the lower valley of the Shire in the 1860's. As it will be pointed out in the second chapter, the Makololo got involved in these relations of conflict outside the lower valley because they wanted to prevent the Ngoni people from going to the lower valley.

It was the Lomwe people who for the first time arrived into the area as a group after 1948. But this is not to say that individual Lomwe might not have penetrated into the area at the beginning of the twentieth century when the British Central Africa Company was operating an agricultural estate in the area.

All these ethnic groups have a claim to land in the area. But there are some who claim more authority over it than others, and

others who refuse to be dominated by those who seek to monopolise authority over it. This is largely because these ethnic groups are not localised as groups. Their members are distributed into administrative villages or clusters of settlements which may first be classified geographically.

The geographical basis of classifying settlements in Chingale is to take the axis of River Shire and Mount Zomba along which lie valleys of streams. Interposed between these valleys are ridges, which are divided into small administrative areas by a simple network of roads and which are linked by a complex system of footpaths. On these small areas were found groups of huts each surrounded by gardens. Each of these groups of huts and gardens belonged to a sorority group, <sup>20</sup> and a number of these groups formed an administrative village which came under the jurisdiction of a Government recognised Village Headman.

People who lived in these villages subsisted on maize and vegetables which they grew in their gardens. The family, composed of a woman and her husband, plus her unmarried children above six years of age, was the smallest economic unit. Each family had at least a field to cultivate. Those who had more than one field usually had a dimba (an exposed patch of damp alluvium on a stream bed) on which they grew out-of-season crops like tomatoes and other kinds of vegetables which could not grow on non-dimba land during the dry season.

Their agricultural implements were a short-handled hoe, an axe and a large-bladed knife. The watering of their cultivated fields was all done naturally by rain or streams, hence making agriculture a largely seasonal occupation. Nevertheless, having been subjected to

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<sup>20</sup> cf. Mitchell, J C., The Yao Village, a Study in the Social Structure of a Nyasaland Tribe, MUP, 1966, pp 143-152.

twenty-two years of government pressure to adopt government-approved agricultural methods, the people of Chingale were used to starting their agricultural routine by burying maize and other stalks soon after harvesting their maize crop in May every year. In October they made ridges; in November they planted maize; and in December they did the weeding of the fields to protect crops from wild growth. After weeding they waited for the crop to be ready, and in February they began to eat the green maize. Those who had madimba<sup>21</sup> continued with agricultural work during the dry season. But work on madimba was not as intense as it was on the fields away from streams. And those who lived near Shire River used to catch fish in fish-traps.

In addition to subsistence farming, some people practised cash cropping. Cotton was being grown on both terraces south of Namitembo stream, and ground nuts were being grown mainly on the higher terrace north of Namitembo stream. Texture of the soil accounted for this sectional specialisation. Whereas the southern part had clay soil which turned into mud during the rainy season, the northern part was rather sandy. With the exception of two to three outstanding farmers on the lower terrace, who had a plough each, the rest did not show any sign that they found agriculture a lucrative business.

It goes without saying, then, that the people of Chingale were divided between those who combined subsistence farming and cash cropping, and those who practised subsistence farming only. But this is not to say that these people were also divided between those who were outside the money economy (as is usually understood by the term 'subsistence') and those who were inside it. Like anywhere else in Malawi, virtually

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'Ma' connotes plurality of things.

all people had been embraced by the money economy for many years. This was witnessed by the fact that, in addition to the services offered to villagers by the Government-created Farmers Marketing Board, which benefited cash crop growers only, seven local market places operated to distribute surplus produce of subsistence commodities from those who had more of such commodities to those who were short of them. This distribution was done through money as a medium of exchange.

It also goes without saying that this analysis reveals an ambiguous socio-economic system. Yet, basically the structure appears simple to understand when it is characterised in terms of cash and subsistence variables. But this outward appearance masks an internal system whose roots go back to the beginning of colonisation of Nyasaland. The system emerges from the relationship between the cash and subsistence elements; and this relationship is one of inequality, for cash represents development while subsistence represents under-development. An explanation of how this system emerged should therefore be sought in a wider historical context later.

In 1970 the thirty-four thousand people in Chingale were organised into one hundred and forty-three villages; and these villages were mainly situated along stream valleys and roads. But most of the people lived on the higher terrace, especially near the foot of the mountain where streams flowed perennially. The northern section of the higher terrace was the most densely populated for this reason.

All these villages come under Mlumbe's administrative authority which consists of the plateau side on the east, and the Shire plain on the west. The two constituent parts are distinctly separated from each other by the Zomba escarpment. Chief Mlumbe has his residential headquarters on the plateau, and he administers the whole administrative



section through a hierarchy of inheritable positions of Group Village Headmen and Village Headmen.

There were three Group Village Headmen in Chingale in 1970. The hundred and forty-three villages were divided among them, and each of the three Group Village Headmen was administering a sub-administrative section named after himself as follows: Mkasala, Mbukwite and Balamanja. The first two were Yao while the third one was Mang'anja. Each one of them had under him Village Headmen who belonged to different ethnic groups which, in addition to the Yao and Mang'anja, included Lomwe, Ngoni and Makololo.

There were twenty-seven more Lomwe than Mang'anja Village Headmen. Yet, there was no Lomwe Group Village Headman. This is because political organisation, even of a traditional type, was not entirely based on the tribal principle. On the other hand there were only three and two Ngoni and Makololo Village Headmen respectively. The three Ngoni Village Headmen were distributed among the three Group Village Headmen while Makololo Village Headmen came under Balamanja. Yet, all this interlacing of ethnic groups did not obscure the fact that Yao were a dominant group in the area. There were seventy Yao Village Headmen distributed among the three Group Village Headmen, and this figure is lower than the total number of Village Headmen of other ethnic groups by three.

The extent to which villages had poly-ethnic compositions is not easy to measure because statistical data is lacking. Even the most recent and only detailed national census report does not analyse village populations into ethnic groups. But it does classify such



population on the basis of languages spoken by villagers.<sup>22</sup> Yet, this criterion is not of much help because the people who have lost their mother tongue can only be lumped together with people whose language they speak. Such is the case with the Ngoni and Makololo people who speak Chichewa.

Yet, it is a fact that members of different ethnic groups inter-marry as the following summary of marriages officiated at three Christian Mission Stations in the area between 1954 and 1969 shows. No such information was available on Muslim marriages.

TABLE NUMBER I<sup>23</sup>

Mission	Inter-ethnic	Unidentified	Intra-ethnic	Totals
Church of Central Africa Presbytery	152	4	143	299
Catholic Church	425	26	328	779
Anglican Church	34	-	51	85
Totals	611	30	522	1163

(Marriages officiated between August 1954 and April 1970 in three Churches in Chingale.)

However the problem posed by lack of statistics can be looked at from the way an administrative village is composed in spatial terms, and from this topographical structure one may move to social structure.

<sup>22</sup> Malawi Population Census, 1966: Final Report, Govt. Printer, Zomba, pp 1-11

<sup>23</sup> Register of Marriages (Christian Rites) According to Registration Ordinance, 1923. These are kept at the following stations: Kamoto School, for the CCAP; Namitembo for Catholics; and Chilipa (or Masaula) for Anglicans.

From the point of view of spacing of settlements which form an administrative village the structure is one of discontinuity since one small settlement is separated from others by cultivated fields. Even though a single settlement may form an administrative village, in most cases such a village had at least two settlements. It is the way a constituent part of the administrative village is related to it which holds the key to an understanding of the significance of ethnic boundaries in relation to the distribution of land and the dynamics of the system of village leadership.

The relationship is best characterised by following the way respondents in Chingale defined the term mudzi which is usually understood to mean 'village'.<sup>24</sup> In fact, in Chichewa mudzi can be used to mean administrative village or kinship village. But when confronted with a semantic problem of distinguishing between the whole and its parts, mudzi becomes reserved for a kinship village while the administrative village becomes chitaganya. The literal translation for the term chitaganya is 'mixture'; and when applied to the arrangement of settlements as it has been portrayed above it means a consolidation of kinship villages coming under an Administrative Village Headman.

It is in the kinship villages where matrilineally related kinsmen live together. It is not the aim of this study to analyse kinship relationships, for what Mitchell has said about the Yao in Kawinga's chiefdom applies to Chingale. The only point to be stressed here is that all kinsmen in each kinship village belong to the same ethnic

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<sup>24</sup> Scott, D C., Dictionary of the Nyanja Language, London, Lutterworth Press, 1965, p. 347.

group. But their husbands who reside uxorilocally are not necessarily of the same ethnic groups as their wives. Children born of families of mixed ethnic composition belong to their mothers' lineages although, depending upon the status of their fathers in society, they may tend to identify themselves with their fathers' groups.

This study, unlike Mitchell's, is about the problem associated with administrative villages. The descent principle does not apply so neatly to the organisation of the administrative village. It segregates some kinship groups and integrates others to the village. So, to make the village hold together the administrative principle is brought into operation. But this encompassing principle does not resolve the contradictory situation created by the descent principle. This contradictory situation usually develops into a situation of overt conflict between the dominant lineage group, to which the Village Headman belongs, and leaders of constituent groups of the village.

Two factors contribute to the development of the conflict situation. On the one hand the Village Headman wants to increase the number of tax payers in his village and so he welcomes non-kinsmen into the village; and on the other hand these non-kinsmen come into the village because they want places to settle and cultivate crops for subsistence. Should the latter be dissatisfied with conditions in the village they leave it. But it is also the case that those who live in the village under any condition may entertain the hope of attaining their administrative autonomy some time in the future. This hope is related to the fact that population grows by both immigration and birth and this results in the expansion of the system of villages.

CHAPTER TWOHISTORY OF LAND TENURE IN MALAWI

The history which explains the declining power of traditional leadership is based on the history of land tenure. An official of the erstwhile Protectorate of Nyasaland once wrote: "The History of Land Tenure in Nyasaland is bound up in the History of the Protectorate. In 1859 Dr Livingstone entered what is now known as Nyasaland and as a result of his work and exploration Europeans first commenced to settle in this country".<sup>1</sup> This is not a comprehensive view of the History of Malawi and cannot, therefore, fully explain the complex system of land tenure characterised in the introductory chapter. It only marks a watershed. This chapter will first trace the evolution of the system of land tenure from the fifteenth century to the time when Livingstone entered the country and then proceed on to analyse processes of change in the system as a result of colonisation.

It will be argued that British colonisation resulted in the deprivation of Africans of their land. Three concepts will be central in the argument to be advanced here. First, there is the unifying concept of the kingdom of Malawi which will provide a hierarchical model. Though the concept of a kingdom may be misleading,<sup>2</sup> it serves to portray a systematic political whole which is assumed to have existed in Malawi between the fifteenth and seventeenth centuries.

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<sup>1</sup> Memorandum on 'Tenure of Crown Lands in the Nyasaland Protectorate', prepared by T I Binnie, 5th September 1908, in OO 525/24/8932, p. 274.

<sup>2</sup> The concept of a 'kingdom' was first applied to Malawi by Portuguese explorers who conceptualised what they saw in terms of their own European institutions.

However, this political whole cannot be understood without introducing the concept of segmentation as it has been used by Louis Dumont.<sup>3</sup> The notion of a kingdom can have a unifying effect only if there are segments which are being united. The Maravi<sup>4</sup> people were divided and subdivided into lineage groups of people whose distribution in the pre-colonial Malawi was governed by a territorial framework. At this observable level the system assumes an egalitarian outlook, and the concept of egalitarianism will be used to designate a process working in the direction of the establishment of group autonomy.

For the sake of exposition this chapter is divided into three sections. First, a dynamic analysis of the customary system of land tenure will be derived from the available records of pre-colonial history of Malawi as it is being reconstructed by historians. The limit of its dynamism, in so far as it did not change the concept of communal ownership of land, will be specified. Secondly, processes leading to individual ownership of land will be analysed in terms of migration and colonisation of the country. And thirdly, the consequent contradiction in the new system of land tenure will be discussed in the third section. This will involve analysing conflict between the Government and European planters over the policy adopted by the former about the disposal of Crown lands.

#### Dynamism of a customary system:

The pre-colonial history of Malawi is full of contradictions and a derivation of the system of land tenure from it has to treat these contradictions as elements of the system. These contradictions arise

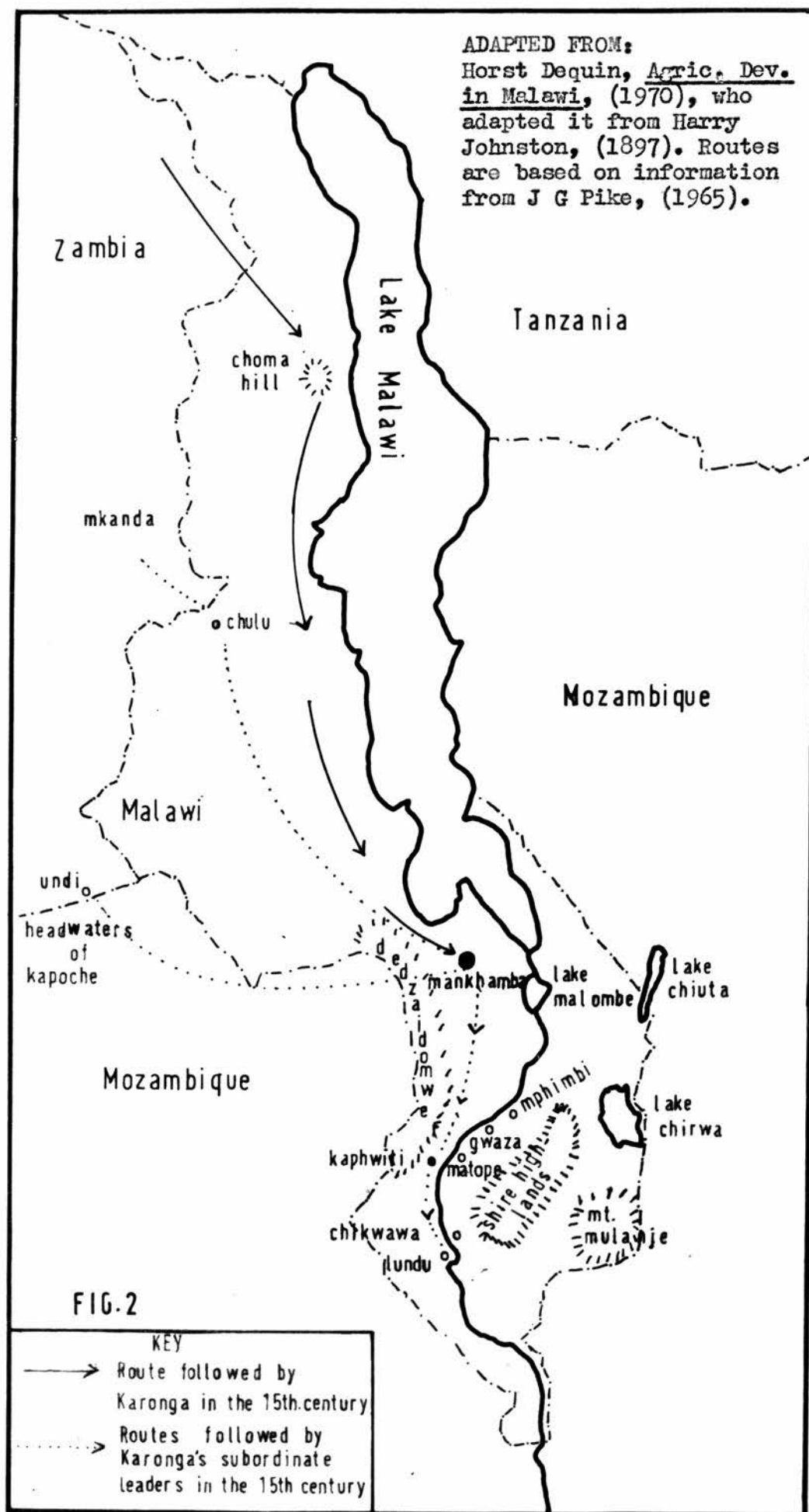
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<sup>3</sup> Dumont, L., Homo Hierarchicus: The Caste System and Its Implications, London, Weidenfeld & Nicolson, 1970, p.42.

<sup>4</sup> 'Maravi' is the explorer's way of writing 'Malawi'. But neither syllable 'v' nor 'w' represents the accent which falls between 'bi' and 'vi'.

# MAP OF MALAWI.

ADAPTED FROM:  
Horst Dequin, Agrie. Dev.  
in Malawi, (1970), who  
adapted it from Harry  
Johnston, (1897). Routes  
are based on information  
from J G Pike, (1965).



partly from differences in the way students of this history interpret oral traditions from which they try to reconstruct the past. But their differences may themselves be related to the fact that these oral traditions are not agreed on certain points. This is so perhaps because the system being reconstructed was not as unified as the concept of 'the kingdom of Malawi' suggests.

Indeed, the contradiction which emerges from history pivots around an opposition between political unity and territorial dispersal of the Maravi people. Two questions which seem to underlie the subject matter of this history are the size of the group of chiefly invaders from Congo in the fifteenth century, and factors which led to political segmentation of the kingdom in the seventeenth century.

To take the first question first. John G Pike says that from Congo Mazizi Karonga led the Phiri, Banda, Mwale and Nkhoma clans to Choma of Northern Malawi where he died. His maternal nephew who succeeded him as a leader led the group from Choma to Mankhamba, south of Lake Malawi.<sup>5</sup> As opposed to this view there is Edward Alper's point of view that the immigrant Maravi were not a monolithic population who travelled in a block, but that they came in a series of different groups.<sup>6</sup> Between these two extremes there is the view held by Langworthy that the present day Chewa have been settled in Malawi since early in the first millenium AD, and that it was only their rulers who came from Katanga and who came to be known as Maravi in the fifteenth century.<sup>7</sup> Finally, Marwick has expressed the view that people

<sup>5</sup> Pike, J G., 'A Pre-Colonial History of Malawi', Nyasaland Journal, 18.1.1965, pp 33-4.

<sup>6</sup> Alpers, E., 'The Matupa and Malawi' in T O Ranger (ed.), Aspects of Central African History, Heinemann, 1968, P 18

<sup>7</sup> Langworthy, H W., 'Conflict Among Rulers in the History of Undi's Chewa Kingdom', Trans-African Journal of History, 1,1, January 1971 p 1.



of the Banda clan might have descended from aborigines since they were identified with land in Malawi while people of the Phiri are said to be the ones who might have immigrated into Malawi.<sup>8</sup>

On political segmentation Undi, Chulu, Mkanda, Kaphwiti, Lundu and Changamile are said to have left Karonga in the end. But here too traditions are contradictory. Karonga Muzura is reported to have sent his brother<sup>9</sup> Undi from Mankhamba to occupy the head-waters of Kapoche in the Zambia/Mozambique area to the west of present day Malawi, and to have divided the country north of Undi's domain between Chulu and Mkanda.<sup>10</sup> But there is also the view that the segmentation of Karonga's kingdom was due to conflicts among members of the chiefly clan. It has been suggested that the system of succession to the position of Karonga, which worked in favour of Karonga's maternal nephew and against members of his sibling group, was instrumental to Undi's secession from Karonga, and that Karonga's kingdom lacked centralising mechanisms.<sup>11</sup> The foregoing points of view are contradicted by the view that political divisions among the Maravi people was a consequence of the process of immigration of small groups of people at different times.<sup>12</sup> These groups settled in separate localities from the beginning.

On the migration of Kaphwiti and Lundu, Pike does not say whether they left Mankhamba as a result of being sent by Karonga to go and

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<sup>8</sup> Marwick, M G., 'History and Tradition in the East Central Africa through the Eyes of Northern Rhodesian Cewa', Journal of African History, iv,3, 1963, p 378.

<sup>9</sup> The term 'brother' may be misleading here because Undi is also said to have been Karonga's maternal uncle, as it is implied in Langworthy's article.

<sup>10</sup> Pike, op. cit., p 34 Marwick, op. cit., pp 378-80

<sup>11</sup> Langworthy, op. cit., p 2.

<sup>12</sup> Alpers, op. cit., p 18.

occupy the middle and lower parts of the Shire valley respectively. On the other hand Langworthy's reference to this migration is in the context of his assertion that they, plus Changamile who migrated to the present Dedza District, had left Karonga because of conflict among members of the chiefly clan, as well as lack of centralising mechanisms to hold the kingdom together.

These contradictory points of view indicate that the kingdom of Malawi was not a perfect system. However one point which comes out of these sets of contradictory historical accounts is that the political system of the fifteenth to seventeenth centuries was unified by a tradition of the coming of Karonga from Congo. But the point does not specify the basis on which this unity was brought about. Yet, since leaders were chosen on the basis of their belonging to the chiefly Phiri clan, descent seems to be the obvious principle on which the political system must have been organised. On the basis of this principle leaders would be ranked in a linear order, placing the most senior lineage on top and the most junior at the bottom, and leaders of members of segments of each lineage group would be ranked accordingly.

But the ranking of lineages, in order of seniority of birth of their founders is possible only when a small number of kinsmen is involved. The kingdom of Malawi was not a small group of people, for it is said that after Undi's departure from the south end of the Lake, Karonga succeeded in extending his rule over many of his relatives as well as over non-Malawians. It is possible that people of non-Phiri clans might have emerged as subordinate chiefs to Karonga and that their emergence could make the ranking of chiefs on the principle of descent very difficult. This difficulty would possibly arise from conflicting

claims among chiefs as regards their social distance from Karonga as well as their position in the hierarchy of leadership. Consequently, these conflicting claims would then, and at once, express a hierarchical and egalitarian system as members of each lineage group tried to either assert their superiority over other groups or reduce those groups to the same plane with them.

The opposition between the senior and junior lineages was basic to the operation of social structure. It structured the political system and it led to group segmentation. But the territorial framework and the agricultural practice of shifting cultivation which Malawians used complemented it. There was more than enough land for every member of the society to cultivate so that leaders of junior lineages, once they became dissatisfied with their seniors, could ask for permission to go and cultivate a piece of land away from others. But for some time groups which had separated in this way came under the leadership of the parent lineage. Yet as time passed junior groups established their separate identities. This usually came as a result of death of an irreplaceable leader in the sense that his successor was not unanimously accepted by subordinate leaders.

This may then explain why after Karonga's death in the mid-1600s his name gradually disappeared. Instead, Kaphwiti and Lundu rose in eminence. Kaphwiti is said to have ruled Mang'anja people who lived in the middle and upper valley of River Shire and in the Shire Highlands,<sup>13</sup> while Lundu extended his authority over the Lower Shire Valley.<sup>14</sup> Again

<sup>13</sup> Life and Work in British Central Africa, July 1898, p 3.

<sup>14</sup> Rangeley, W H J., 'Mbona - The Rain Maker', NJ, 6, 1 January, 1953, p 8.

when Kaphwiti died his name died with him. However, Mankhokwe who had succeeded Kaphwiti had his government extended from the confluence of Shire and Ruo Rivers to as far as Lake Chirwa.<sup>15</sup> But this extended territory was further divided into smaller areas. The Shire Highlands came under Kankomba and Chinsunzi, and these two leaders are said to have had superior power to Mankhokwe over the highlands even though in position they came next to him.<sup>16</sup>

Chingale fitted into this framework in that it was under Kankomba. But Kuphimbi was the local leader of headmen who lived on both sides of River Shire. It was Kuphimbi who, towards the end of the nineteenth century, was instrumental to the introduction of a radical change to the system of land tenure. This point will, however, be brought up in the next section. Here it suffices to recapitulate the point that through the successive process of territorial division and subdivision, and through the corresponding process of lineage segmentation and the multiplication of leaders of these lineages, one can move from the ideal hierarchy to the concrete territorial framework.

The way the political system functioned in the nineteenth century also points to the thesis that group segmentation was an on-going process. This system hinged on two positions; and these positions were that of the mfumu (chief) and that of the nduna (councillor or headman). The chief had his council (bwalo) composed of his headmen and presided over by himself. According to Duff Macdonald the chief did not convene council meetings unless there was

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<sup>15</sup> Rowley, H., The Story of the Universities' Mission to Central Africa, London, Saunders, Otley & Co., 1866, p 89.

<sup>16</sup> *ibid.*, p 149.

a pressing matter which forced him to do so.<sup>17</sup> For example if he had the intention to wage war on a neighbouring village he would seek to get the support of his councillors who were directly in control of the source of an army.

It follows that village headmen were left free to manage their own affairs even though they did not exact tribute from their followers.<sup>18</sup> Indeed, Macdonald observed that the chief ruled his people through his headmen who had their own councils composed of free-born men of the respective villages.<sup>19</sup> But, like the chief's council, those of village headmen also met irregularly. Macdonald seems to attribute this irregularity to the absolute power which the village headman is believed to have wielded. However, it is also clear from his writings that the pattern of relations in the village allocated power over free-born men to their brothers and power over slaves to their masters.<sup>20</sup> The absolute power of village headmen and chiefs was wielded against slaves, and not against free-born villagers.

A characteristic feature of this formal system in so far as it affected free-born men is that it was unstable. This is so perhaps because the chief did not have an effective administrative machinery to provide him with a full time legislature, judiciary and army.<sup>21</sup> Consequently he did not exercise effective control on those headmen who lived in distant parts of his dominion. But distance alone does

<sup>17</sup> Macdonald, D., Africana or the Heart of Heathen Africa, Vol. 1, London, Simpkin, 1882, pp 153 & 155.

<sup>18</sup> *ibid.*, pp 152-3.

<sup>19</sup> *loc. cit.*

<sup>20</sup> *op. cit.*, p 155.

<sup>21</sup> Langworthy H., 'Conflict among rulers in the History of Undi's Kingdom', TJH, 1, 1, January 1971 p 2.

not account for the ineffectiveness of the chief's rule over his people. The diverse character of the social structure also throws light onto the problem. Duff Macdonald has recorded that headmen fell into various categories when these are classified in terms of their relationship to the chief. Some of them were the chief's kinsmen, some were those who had earned their headmanship through faithful services to the chief who rewarded them by sending them to occupy new spots in his area, some were refugees from hostile chiefs and were allowed to settle in the area with their following, and the others had emerged from smaller sorority groups which split from growing villages.<sup>22</sup>

This wide range of categories serves to point to a possible source of instability in the hierarchical system of leadership. In terms of blood relationship kinsmen were of a higher status than headmen of other categories. But non-kinsmen could sometimes be more loyal and closer to the chief than his kinsmen. This would spark off resentment among kinsmen and the dissenting headman would seek to leave the chief to found his own chiefdom. Such a chiefdom could grow out of a family, but usually the founder was accompanied by followers from the very beginning of the founding of the new chiefdom. He then maintained it by acquiring slaves and accepting freemen who asked to settle with him.<sup>23</sup>

This competitive character of social structure shows that the system of leadership designated by the term mfumu was expanding as

<sup>22</sup> Macdonald, D., op. cit., pp 145-47.

<sup>23</sup> *ibid.*, p 147.



population grew, and that as this expansion went on it became increasingly difficult for the man who might have been the original chief to exert his authority over his people. Hence, other people also became chiefs and the system became atomistic as the number of hierarchical systems was multiplying. Yet, those who regarded themselves as original chiefs continued to make verbal claims of superiority over others, and in doing so they reduced the number of hierarchical systems. The hierarchical and egalitarian systems were in fact aspects of the same social structure, and the interaction between them gave the structure its ambiguous and unstable character.

It follows, therefore, that the relationship between the concepts of hierarchy and egalitarianism as they are applied to the analysis of the pre-colonial political system of Malawi is like that between ideology and concrete reality whereby the former orders and logically encompasses the latter but does not explain it.<sup>24</sup> In this way, a hierarchical system implied by the notion of the kingdom of Malawi will be understood to connote an ideally ranked set of connected lineages based on the principle of seniority of birth among founders of every lineage belonging to the same generation, with a view to constructing an encompassing whole.<sup>25</sup> On the other hand, an egalitarian system will be understood to connote concrete and observable lineage groups which strive to establish their autonomy from one another. The relationship between these two systems is expressed in its dynamism which is generated by a system of oppositions between parts of the whole system.

<sup>24</sup> Cf Dumont, L., *op. cit.*, pp 36 - 9

<sup>25</sup> Cf. *ibid.*, pp 65-6.



When translated into the system of land tenure this dynamic political system explains why the customary system of land ownership cannot be treated as though it was static. Indeed, the statement that "The general system of land tenure among [Malawians], like that of other members of the Bantu race inhabiting tropical Africa, is communal",<sup>26</sup> is intended to postulate a static system just as the statement that land in Malawi was not a common property.<sup>27</sup> But when these two statements are related to each other together they generate a system which is structured by a system of oppositions corresponding to the political system characterised above. On the one hand there is a hierarchy of tenure of land, while on the other there is a fragmented system. The one is the encompassing ideal while the other is the concrete and observable reality.

The interaction between the models of hierarchy of land tenure and territorial fragmentation is brought about by the opposition between senior and junior lineages. Seen from a hierarchical perspective senior lineages were formally superior to junior lineages. Therefore, if all of them are said to have owned land communally then the superiority of senior lineages on land matters lay elsewhere. Indeed, it is inconceivable that the degree of land ownership would increase or decrease with the position a lineage occupied in the hierarchy. The principle of opposition between senior and junior lineages suggests that through the process of group segmentation, equality among junior and senior lineages was attained at the level of localised settlements. Here each group was separate from other groups and was in a position to assert its own autonomy. Thus the concept of communal land ownership may mean that as members of the same ethnic group all Malawians could

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<sup>26</sup> Cmd. 10582; Report of a Commission Appointed to Enquire into the Occupation of Land in the Nyasaland Protectorate, 1921 in CO 525/97/8656, 1.10.1921, p 517.

<sup>27</sup> Macdonald, D., op. cit., p 175.

claim to cultivate anywhere in the land occupied by the group. But it also means that specific areas in that territory were communally owned by groups identified with them.

The first meaning of the concept applies to the situation as it was when leadership was unified under the authority of Karonga. When he died and his kingdom began to disintegrate, the concept of communal land ownership began to assume a restricted meaning. This process was re-inforced in the second half of the nineteenth century when other ethnic groups immigrated into Malawi. These groups were the Yao, Makololo and Ngoni people. They came with their own traditions of leadership which could not be unified under the local tradition of Karonga and his kingdom. Besides, where each or sections of these groups established themselves their leaders assumed superior leadership to that of the Malawians. But this superiority was not expressed in terms of lineage seniority. Instead, Yao and Ngoni leaders had assumed leading positions by virtue of conquest, while Makololo leaders had assumed the role of protectors of the weak due to the fact that they had been given arms by David Livingstone who brought them into the country as porters.

But the coming of these groups of people did not change the basic pattern of the system of land tenure, which was that the people owned the land but their leaders were delegated with authority to distribute it among their followers. The fact that Mang'anja people had been subdued by immigrant groups did not mean that they had also been deprived of the right to own land. On the contrary, it meant that where leaders of the conquering groups were ruling the Mang'anja they were also trustees over land, and that the newcomers as well as the 'oldcomers' became co-owners of the land.

The reason why leaders of the immigrant groups cannot be said to have acquired land for themselves can be sought in sources of their political power. Alpers has argued how the Yao chiefs, even in their traditional homeland in Mozambique, derived their power from the number of people who followed them.<sup>28</sup> In Malawi they derived it from the number of slaves they owned.<sup>29</sup> As for the Makololo, it is plain that their association with David Livingstone had given them prestige.<sup>30</sup> Thirdly, the power of the Ngoni chiefs depended on the size of their fighting regiments as well as on the number of cattle which they owned.<sup>31</sup>

The history of the coming of these three groups into southern Malawi, especially as it relates to Chingale, reveals the difficulty of choosing one of the criteria - e.g., conquest, early settlement, and protection given to the early settlers - as a basis for determining who owns the land and who does not.

To begin with the Ngoni people. These started to migrate from southern Africa as early as the 1820s.<sup>32</sup> They were cattle-keepers, and on their march northwards they captured more cattle and increased the number of their fighting men by assimilating into their groups young men captured from the people they conquered on their way. They

<sup>28</sup> Alpers, E., 'Trade, State and Society Among the Yao in the Nineteenth Century', *JAH*, 10, 3, 1969, pp 407-10.

<sup>29</sup> Mitchell, J C., 'The Political Organisation of the Yao of Southern Nyasaland', in *African Studies*, 8, 1949, pp 142-3.

<sup>30</sup> See article on, 'Old Blantyre II', in *Life and Work in British Central Africa*, July, 1898, p 4.

<sup>31</sup> Marwick, M G., 'History and Tradition in East Central Africa Through the Eyes of Northern Rhodesian Cewa', *JAH*, 4, 3, 1963, p 386.

<sup>32</sup> Barnes, J A., *Politics of a Changing Society*, OUP, 1954, pp 7-9, and Murray, S S., *A Handbook of Nyasaland*, CAC, London, 1932, p 37.

# MOVEMENTS OF YAO, NGONI AND MAKOLOLO.

ADAPTED FROM:  
 Horst Dequin, Agric. Dev. in Malawi, (1970), who adapted it from Harry Johnston, (1897). Routes are based on figures 28 & 29 in J G Pike and G T Rimmington, (1965).

Tanzania

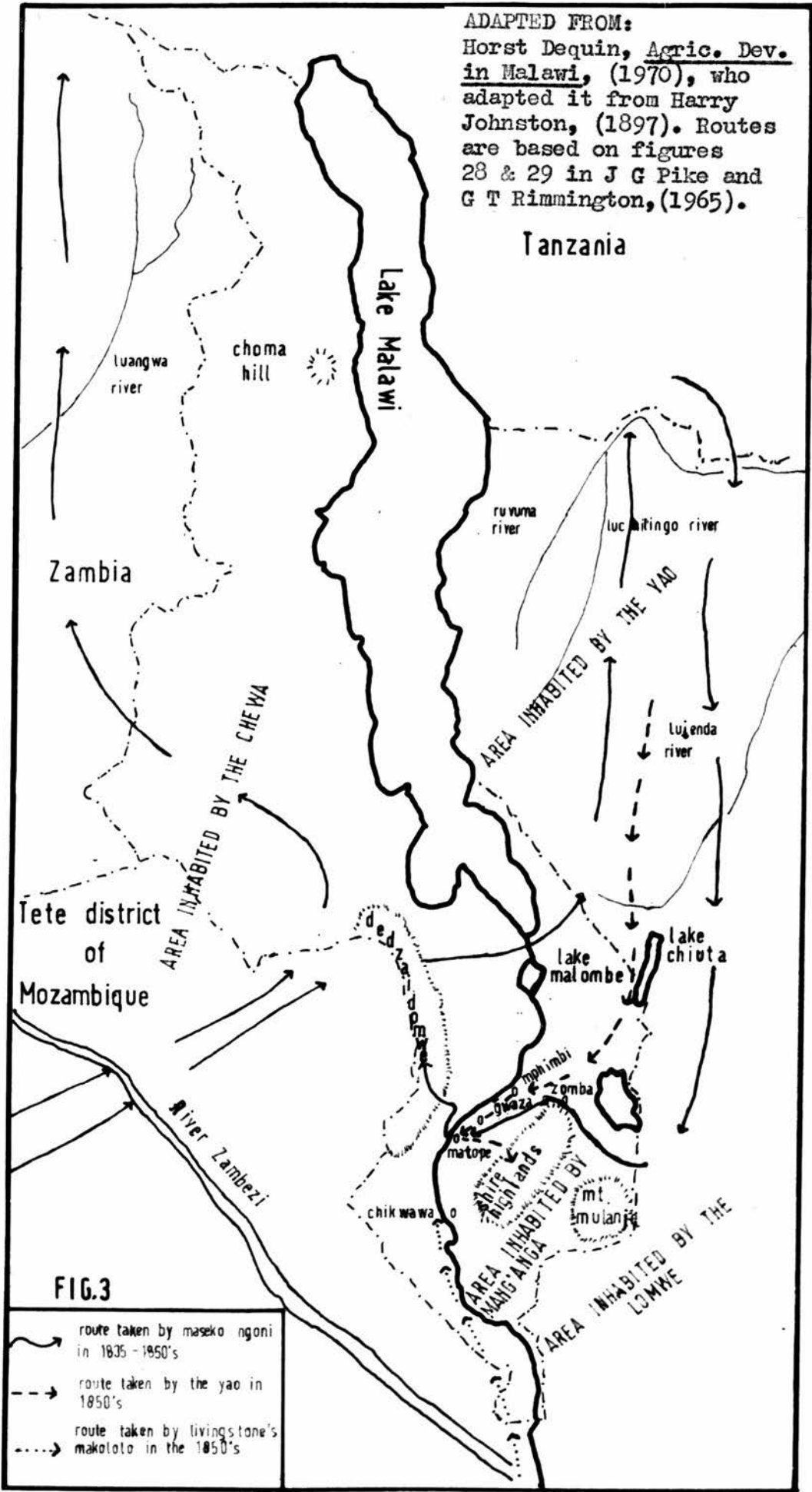


FIG.3

- route taken by maseko ngoni in 1835-1850's
- - - route taken by the yao in 1850's
- ..... route taken by livingstone's makololo in the 1850's

moved in two groups, namely, that led by Zwangendaba and that led by Maseko.<sup>33</sup> In the 1830s they crossed River Zambezi and entered Tete District of Mozambique. Then they proceeded to the present day Malawi and entered it near Mount Domwe on the Malawi-Mozambique border to the west. But they did not settle permanently.

Those who were led by Zwangendaba came first and set camp on the plain of Lilongwe. Then followed the Maseko group which camped for a while at Mwa on the east of the escarpment. On their northward movements Zwangendaba's group followed the Luangwa-Malawi watershed on the western side of Lake Malawi going to Tanzania, while the Maseko group crossed the Shire River in Mangoché District and also proceeded northwards to Tanzania, following the route east of the lake. They both stayed in Tanzania for some years before some groups of them were forced to return to Malawi by their respective previous routes.

The Maseko Ngoni were driven out of Tanzania by their fellow Ngoni people led by Gama in the early 1860s.<sup>34</sup> In their movements southwards they attacked many Yao and Lolo chiefs in Mozambique. It is partly as a result of this encounter with the Maseko Ngoni that some groups of the Yao people fled to Malawi. But by that time some of the Yao people were already coming to Malawi of their own accord. Yet, others got driven into the country only by pressure from their fleeing neighbours.

The Yao, therefore, originally came from Mozambique. The exact

<sup>33</sup> Pike, J G and Rimington, G T., Malawi: a Geographical Study, OUP, 1965, p 126.

<sup>34</sup> Editor's comments, inserted in JEH Watson's, 'Some historical notes on Zomba', in The Nyasaland Journal, 8, 2, July, 1955, p 61.

location of the area of their origin in relation to their immigration into Malawi is said to be situated between Mwembe and Luchilingo Range,<sup>35</sup> or between Lujenda and Ruvuma Rivers. It is again said that they were divided into ten sections each of which had its own set of lineages and lineage heads like the Mang'anja people. Of these ten sections the Mangoche Yao moved peacefully into the south-eastern shores of Lake Malawi. But the Machinga Yao who came later pushed the Mangoche Yao southwards to the Shire Highlands where they are reported to have sub-divided into three branches.<sup>36</sup> One of these branches settled in Chiradzulu-Blantyre area, the second in Mulanje District, and the third on the middle valley of the Shire between Matope and Blantyre.

This second movement of the Mangoche Yao was not a peaceful one, for in their turn they made war on the Mang'anja that they found in these areas. And so were the movements of two other Yao sections who penetrated Dedza District characterised by war-fare. One of these sections was led by Ndindi who settled in Ntakataka by force and killed a Chewa chief called Sosola; the other was led by Tambala and settled on the plateau north of Chongoni Mountain.<sup>37</sup> But as the Yao were invading the Mang'anja, the Maseko Ngoni were also on the move into the country, following the footsteps of the Yao. By 1867 they were already driving the Yao chiefs in the country to shelter on hill-tops, and eventually they came and settled a few miles north of Matope bridge on River Shire for two years.<sup>38</sup>

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<sup>35</sup>Pike and Rimmington, op. cit., p 126.

<sup>36</sup>Murray, 1922 op. cit., p 37.

<sup>37</sup>Pike and Rimmington, loc. cit.

<sup>38</sup>Editor's comments, in Watson's op. cit., p 61.



Eventually the Ngoni people went to settle on the foot of Domwe Mountain on the western side of the Upper Shire Valley. But this was after their war party had travelled up the western bank of the River to Kongwe Hill on the west of Lake Malombe where they attacked the Machinga Yao led by Kawinga. They had gone there in search of cattle which informants around Matope had told them that Kawinga had in plenty, and in proof of which these informants had produced buffalo-dung and succeeded in deceiving the Ngoni.<sup>39</sup>

The move by the Ngoni towards Domwe gave relief to Mangoche Yao who re-established their control over the eastern side of the middle Shire Valley. So, with the Mangoche Yao on the eastern side, some other groups of Yao still pressing on the north, and the Ngoni on the western side, the Mang'anja people of the middle valley of the Shire got trapped in between. Some of them got absorbed by the Ngoni people, others by the Yao, while still others retained their autonomy but lived in fear. And it was coincidence that during this chaotic period of time British explorers, followed by missionaries, planters and traders were making their part of history in the context of this chaotic situation. They re-inforced this process of inter-group war by bringing in another group of people called Makololo.

The Makololo were a section of the Tswana people. They had fled from Botswana and established themselves in the Lozi area of Zambia.

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<sup>39</sup> loc. cit.



David Livingstone, the Scottish explorer, found them in Zambia during the first half of the 1850s, and enlisted some of them as porters to go with him to Tete where he eventually left twenty-five of them in 1856. On his second expedition in 1858 when he came to explore River Shire he picked them up, plus others, from Tete and came with them to Malawi.<sup>40</sup> And when he was leaving the country he armed them with guns to protect the Mang'anja people against the Yao coming from the north-east, and the Ngoni from the north-west. Put in such a powerful position the Makololo easily constituted themselves as chiefs over the Mang'anja people, and played their part in checking the advances of the Yao and Ngoni people.<sup>41</sup> It is to this role that the discussion now turns.

The way the Makololo discharged their responsibility has been narrated at length by W H J Rangeley. But it also seems as if the Makololo were more concerned with the threat from the Ngoni warriors than they were about the Yao slaver. This point can be inferred from reading Rangeley's account of how Kasisi, one of the Makololo chiefs, had tried to create buffer-zones in Chingale to stop the Maseko Ngoni from going to Lower Shire. Kasisi's action was a response to the growing threat of the Maseko Ngoni which was described clearly in the following lines:

The A Yao had followed the Mang'anja refugees across the Shire River, but very soon the A Yao themselves dared not cross the Shire River. Year by year, the regiments of Cidiaonga and then Cikuse needed fresh blood with which

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<sup>40</sup> Johnston, H H., British Central Africa, Methuen & Co., London, 1897 p 13.

<sup>41</sup> loc. cit.

to "wash their spears", so that the young men could parade in villages on their return daubed in the white clay of proven killers. A Ngoni regiments had raided down the Domwe Range as far as Dzobwe Mountain, driving the pitiful remnants of the Mang'anja and Ambo into caves and precipices, or helter-skelter down to the sanctuary of the lower river. Soon, the A Ngoni regiments were raiding to the very banks of the Shire River.<sup>42</sup>

This growing Ngoni force was a threat, not only to the Yao of the Upper Shire, but also to the Makololo of the Lower Shire.

The creation of buffer-zones by Kasisi was done in the belief that Ngoni people were afraid of crossing deep waters. Like the Yao, the Makololo treated River Shire as an adequate barrier between them and the Ngoni and for this reason in the Lower Shire they tended to concentrate their settlements on the eastern bank of the river, leaving the west bank to the Ngoni people.<sup>43</sup> But this belief was proved wrong, for in 1875 Chidiaonga's regiment crossed at Matope and fell upon a stockaded Yao settlement at Chimvu near Linjise. Again, between 1876 and 1877 the Ngoni from the west raided the Yao to the eastern banks of the middle Shire.<sup>44</sup>

It was these two events which took place between 1875 and 1877 that prompted Kasisi in Lower Shire to send Mang'anja headmen from the lower Shire valley to guard against the Ngoni outflanking movements on the upper Shire valley. The headmen who are reported to have been sent included Chigaru who came to guard the fort at Matope, Gwasa who was sent to a ford between Matope and Mphimbi, and Makombe who came to a crossing point opposite the settlement of Mphimbi.<sup>45</sup>

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<sup>42</sup>Rangeley, W H J., 'The Makololo of Dr. Livingstone', in The Nyasaland Journal, 12, 1, January, 1959, pp 89-90

<sup>43</sup>Editor's Comments, in Watson's, op. cit., p 61.

<sup>44</sup>Rangeley, op. cit., p 61.

<sup>45</sup>Rangeley, loc. cit. & Editor's Comments, in Watson's, op. cit., p62.

Nevertheless, the buffer-zones did not measure up to the might of Maseko Ngoni. In 1884 Malemia, one of the Mangoché Yao chiefs, asked Chikuse of the Maseko Ngoni to come and assist him in fighting the Machinga Yao led by Kawinga of Chikala. Chikuse responded favourably and sent thousands of his men under the leadership of Nyamuka. But on their way to Domasi where Malemia had his settlement the Ngoni army had to cross the Shire at one of the fords<sup>46</sup> being guarded by Mang'anja headmen on the orders of Kasisi. Nyamuka picked out Gwaza and asked him to give them free passage and save his life, as well as the lives of his followers. Gwaza chose to grant them free passage.

This Ngoni regiment is reported to have swung south and to have been halted by European traders in Blantyre. At that time the relationship between Europeans and Makololo Chiefs was at a low ebb and began to be amicable only as a result of this incident which had worked in favour of the Makololo. Then the Makololo sought to make an alliance with the European traders.<sup>47</sup>

These frequent movements of groups of people make the problem of defining a consistent system of land tenure very difficult. But the problem is easy to understand in terms of the concept of communal ownership provided that allowance is given to the possibility that some groups of people in an area will claim exclusive rights to own land and others may either accept or reject this claim. Where the dominance of one group over others is accepted by the dominated groups,

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<sup>46</sup> See map facing pp 33 and 44.

<sup>47</sup> Rangeley, (1959), op. cit., p 91.

then a hierarchy of tenure exists. Where such dominance is rejected the system of land tenure will express egalitarian features.

To sum up. This section has outlined the system of land tenure and the process of change it underwent prior to David Livingstone's explorations. To make sense out of the fragmentary system which existed then, the discussion started from leadership from which the system of land tenure has been derived. Leadership was analysed against the background of the system of oppositions between the hierarchy implied by the idea of 'kingship' and the process of segmentation which defined the egalitarian system of lineage groups. And finally, leadership has been associated with authority to distribute land among people who have been linked with land ownership through localised groups to which they belonged.

The following section will analyse changes brought to the system by European settlers as well as by the colonial administration which worked in concert with the settlers. These changes deprived traditional leaders of their power over land so that they had no direct say in it afterwards. Consequently, the following analysis also keeps them in the background.

#### Towards individual ownership:

European planters came to Malawi after David Livingstone's exploration of the country but before Britain proclaimed a British Protectorate over what came to be known as British Central Africa. During this formative period the planters acquired large tracts of land from African chiefs in the Shire valley and highlands and started to grow coffee for export. However, their way of acquiring land was not regulated so that some pieces of land were claimed by more than one planter. This is because some chiefs had agreed to let more than one planter have the same piece of land, presumably because they

thought these planters were acting as a group and in the name of the British Crown which the planters used when promising to protect the chiefs against their adversaries.

When Harry Johnston was appointed to be Britain's first Commissioner and Consul-General in this new Protectorate he was already acquainted with the problem of these conflicting claims. Hence, he made it one of his first duties to settle it. It was the way he settled the problem that transformed the customary system of land tenure to an asymmetrical one. This new system consisted of an element of individual ownership and that of communal ownership.

This paradoxically unified system represents the general structure of the colonial situation as it was first generated by Johnston and perpetuated by his successors. There are two opposed sides to the way Johnston went about creating this situation. First, there were instructions from the British Foreign Office which defined what he was to do in the new Protectorate,<sup>48</sup> and secondly, there was his own conviction about economic development.

To take the first side first. One of his instructions was that he should consolidate the Protectorate. Johnston did this by making treaties with chiefs and taking punitive measures against those who had tried to resist his rule.<sup>49</sup> He succeeded in this mission so that by 1894 he could report to his home Government on what he termed 'the Eastern Portion of British Central Africa'.<sup>50</sup>

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<sup>48</sup> FO to Johnston, 24-3-1891, FO Pr. 6178, No. 9, cited by Eric Stokes in 'Malawi Political Systems and the Introduction of Colonial Rule 1891 - 1896', in Stokes & Brown (eds), The Zambesian Past..., MUP, 1969, p 359.

<sup>49</sup> *ibid.*, pp 359-375.

<sup>50</sup> Report by Commissioner Johnston of the First Three Years' Administration of the Eastern Portion of BCA, dated 31st March 1894.



But, and this leads to the second side of his way of creating the new system, Johnston did not follow the second instruction which denied him power to interfere unduly with the internal administration of the African chiefs, but which empowered him to advise them on their external relations with each other.<sup>51</sup>

Since the immediate problems with which he was faced were to stop slave trade being carried on in the country and to develop the country in order to generate local resources of revenue, one would have expected Johnston to direct his efforts towards advising the chiefs to co-operate in doing these two things. This would be in line with the idea of a protectorate as it came to be defined by the Colonial Office in 1894. The doctrine held by this Office was that in protected countries land belonged to indigenous people who were to be protected against "the ever spreading flood of colonial advance".<sup>52</sup>

But Johnston's ambition was to introduce the system of a Crown Colony<sup>53</sup> and further his belief that modernisation in Africa could only be brought about by Europeans. It was in line with his pre-conceived idea that he adopted a land policy which enabled Europeans to own land individually, and thereby condemned Malawians to a perennial status of labourers.

He started the process on the 18th July, 1891, when he issued a circular to all Europeans in the Protectorate.<sup>54</sup> In this circular he requested them to send their land claims to his office for consideration,

<sup>51</sup>FO to Johnston, 24.3.1891, in Stokes, op. cit., p 359.

<sup>52</sup>CO to FO, 19.7.1894, in CO 525/109/8947, 9.10.1924, pp 62-3.

<sup>53</sup>Johnston to Rosebery, 31.1.1893, FO Pr. 6482, No. 80; cited by Stokes, in 'Malawi Political Systems and the Introduction of Colonial Rule 1891-96', in Stokes & Brown, (eds.), op. cit., p 357.

<sup>54</sup>Johnston, HH., Three Years' Administration ..., 1894. (In this report the number of Europeans in the Eastern Portion of BCA was said to be 57.)



and forbade them from making further purchases or leases of land without his sanction during the period in which he was going to deal with outstanding claims.<sup>55</sup> He got a spectacular response. Claimants ranged from commercial firms to missionary societies, and from groups of brothers or friends to individuals. Added together these numbered about thirty. About twelve of the total number of claimants had submitted more than one claim each in view of the fact that they were claiming pieces of land scattered in different localities and acquired from different chiefs.<sup>56</sup>

Commissioner Johnston, Vice-Consul Sharpe and Captain Sclater are reported to have proceeded to the claimed areas in order to satisfy themselves that before confirming the claims certain conditions for giving such confirmation were met. In all there were six conditions to be met. With the exception of the first condition which was a mere recital of boundaries, and the second condition which specified where the incidence of cost of surveying lay, the rest can be re-classified according to whether they were intended to serve the interests of the African people or those of Johnston's administration. The first category of conditions included the assurance that the African chiefs had a thorough understanding of what they were parting with, that they had received a reasonably sufficient price for the land they were purported to have sold, that the claimant would undertake not to disturb existing settlements and plantations belonging to Africans found on the land, and that chiefs had the right to dispose of the land.

In favour of the Crown was the condition that no claimant was to acquire monopoly rights which were inconsistent with both the idea of British Sovereignty and agreements which Britain had made with Foreign Powers as well as with the African chiefs. Lastly, there was the condition, advantageous to both the administration and Africans, that there was to be correspondence between boundaries given in the deed

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<sup>55</sup> Memorandum on Land Matters in Nyasaland, 9.10.1924, in CO 525/109/8947, 1924, p 28.

<sup>56</sup> *ibid.*, pp 29-38.



of the sale or lease and those which de-limited the extent of land claimed.

The final result of this exercise was that every claimant got at least a piece of land, even though some had to accept what was offered to them by the Commissioner to compensate for claims which had been rejected.<sup>57</sup> The system of land tenure had, therefore, been transformed from ownership by Africans through group membership to ownership by Europeans through holding a certificate of claim to land.

D C Scott was quick to note the implication of this change when he raised a pertinent question about Africans' rights which their chiefs had no right and power to sign away.<sup>58</sup> Bearing in mind that chiefs were only co-owners of land, the idea of their having sold it to Europeans did not make sense. However, a correspondent writing under a nom-de-plume of 'Central African' might have expressed the way most European planters rationalised land purchases. He argued that Africans had a democratic constitution which gave universal franchise to every member of the community. This member expressed himself freely in his local council, while his headman represented him in the chief's council. From this he concluded that chiefs had sold land with the approval of their people and claimed that they had even shared the purchase price with the people.<sup>59</sup>

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<sup>57</sup> *ibid.*, pp 29, 32, 33, 37 & 38.

<sup>58</sup> Life and Work in BCA, January 1893, p 4.

<sup>59</sup> Life and Work in BCA, May 1892, pp 3-4.

The way Johnston had settled the problem of conflicting claims suggests that he shared the assumption that chiefs had the right and power to sell their land and that he could ascertain that this was so by going to talk to the chiefs alleged to have sold it. Faulty though this assumption was, it helps to raise a question whether Johnston had made use of this so-called democratic institution when examining claims. However, it is easier to ask a question than to answer it. Yet, two claims may be cited to show that Johnston's method of going to an area being claimed could not have been thorough. Both claims were made by Eugene Charles Albert Sharrer, a man whose name was remembered by respondents in Chingale in 1970. The first example is his claim of a large estate in Lower Shire. He had bought it from the original Mang'anja possessors and was claiming it from Makololo chiefs called Mlauri and Makuwira,<sup>60</sup> who might have been occupying it. The second example is his claim of land part of which is Chingale today. Again, he bought this land from Mang'anja chiefs<sup>61</sup> despite the fact that other people like the Yao also lived there. Johnston sanctioned both claims. But one wonders whether there was a consensus of interests among people of different ethnic groups in these areas to sell their land. Even the original Mang'anja chiefs might only have agreed to the purchase in order to have the planter in the area to neutralise political power of the Yao and Makololo chiefs which the Mang'anja resented.

Nevertheless, by issuing certificates of claim to serve as legal title to land purchased by Europeans Johnston changed the system of

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<sup>60</sup> Memorandum on Land Matters, 1924, op. cit., p 30.

<sup>61</sup> A Certificate of Claim of Eugene Charles Albert Sharrer, No. 1892, 6th December 1892, in the Land Registry Office, Blantyre.

land tenure. Most of the land in Southern Malawi became freehold land. The remaining became Crown land which was defined as "all land in the Protectorate which had not been alienated by the [Africans] before the Protectorate was established by grants which the Crown confirmed and so made it its own."<sup>62</sup> In both cases the African was dispossessed even though the Government recognised his right to cultivate Crown land for subsistence. From this situation emerged an asymmetrical system characterised by superiority of capital which the European could raise to develop his land, and the inferiority of technical know-how among Africans. The European planter became the leader of Africans on his land, while the European administrator became leader of Africans on Crown land.

It was in this bi-partite system of classification of land that Chingale found itself at the beginning of the last decade of the nineteenth century. As already mentioned above, Sharrer had claimed and was granted a certificate of claim that the land lying on the east bank of the Shire from near Matope, going northwards to Mount Chinduzi and back to the edge of Mount Zomba, belonged to him. The only area which was excluded from this claim was around Mphimbi Government Station.<sup>63</sup> The analysis of the development of a new relationship between the individual land owner and the Africans living on his land will be postponed to the next chapter. The rest of this section may only be devoted to a brief description of Sharrer's experience and influence. He was of German descent but had naturalised himself as British. Before he came to Malawi he was a partner of Sharrer, Teed and Company which used to

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<sup>62</sup> George Smith to CO, 27.2.1922, in CO 525/101/9102, p 143.

<sup>63</sup> Memorandum on Land Matters, 1924, op. cit., p 37.

trade on the Mozambique coast. The Company went bankrupt; and it was after this mishap that in 1885 he paid a brief visit to Malawi to look into trading prospects before he returned to Britain. At that time there was a prospect that a Chartered Company might assume financial responsibilities over British Central Africa. It was this prospect which drew Sharrer to Malawi to compete for the acquisition of the territory against other European traders and planters like the Moir and Buchanan Brothers.

During the time of his brief visit to Malawi Sharrer managed to acquire a small piece of land from Che Mlumbé<sup>64</sup> so that when he returned to the country in 1888 he had already a land claim to make. But during his second visit he brought a shipload of trade goods and set himself up at Kabula Hill in Blantyre as Sharrer Zambezi Traffic Company. He was interested in water transport and went into the business of river steamers in competition with the African Lakes Company.<sup>65</sup> He also established a chain of stores which came to be known as Kabula Stores in Southern Malawi and which he also ran in competition with the ALC Stores. Besides trading in industrial goods and running a flotilla of steamers, he was involved in the construction of the Shire Highlands Railway, for it was he who won the Government tender to build the railway line.<sup>66</sup>

All this experience and ambition shows that the man with whom the Africans on his estate would live would wield strong authority over them. He could also wield it against the administration and be critical of its

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<sup>64</sup> Gelfand, M., Lakeside Pioneers: Socio-medical Study of Nyasaland (1875-1920), Blackwell, Oxford, 1964, p 160.

<sup>65</sup> 1891-1951, Nyasaland Diamond Jubilee Exhibition - Descriptive Souvenir and Catalogue, Govt. Printer, Zomba, 1951, p 88.

<sup>66</sup> *ibid.* p 19, and Life and Works in BCA, September 1894, p 4.

policies which affected his estates as it is witnessed by his formal protest against the Commissioner and Consul-General's notice that he would take over roads which ran through freehold lands.<sup>67</sup> Such a man could not be expected to honour the condition that he would not disturb African settlements and plantations in his estates.

It is, however, meaningless to discuss Sharrer in isolation from the system he found himself in. This system was structured by an opposition between the community of planters and the Government over a contradictory land policy which sought to please both the planter and the African. The way the Government handled the situation shows that traditional leaders did not matter much. It is to the analysis of this system that the next section turns.

#### Problem of Contradictory Policies:

Three points need to be borne in mind when discussing the system of land tenure which came into existence after Johnston had introduced certificates of claim. First, there is the financial situation which did not match with Johnston's ambitions. Secondly, there is the point that Johnston adopted a policy of sale of Crown lands in line with his policy of economic development through privately owned agricultural estates. And thirdly, there is the point that Johnston's successor changed the policy of land sales to land leases on conditions which came to be so manipulated by successive Colonial Governors that it is unavoidable to suggest that the new system of land tenure was maintained through this manipulation.

Crucial to the understanding of the third point is the fact that

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<sup>67</sup> Life and Works in BCA, July, 1895, p 8.

when the policy of land leases instead of sales came to be adopted, no corresponding change of the policy of economic development was introduced. The result was that Africans continued as subsidiary participants in the development of their own country while Europeans remained the sole generators of economic growth. Yet, the Government used to rationalise their policy of land leases in terms of the African population whose rights in land they paternalistically protected against demands from the European planters.

One consequence which followed from this contradictory policy was a direct confrontation between the Government and the community of planters in the Shire Highlands. In this confrontation planters pointed to the need for economic development in the country, using Africans as a bait since such development would create employment for them. But the Government clung to their policy of safeguarding African rights despite recognising the need for economic development.

This section analyses how the Government maintained a balance between these two contradictory policies, thereby also making the asymmetrical system of land tenure persist through time. By postulating the asymmetrical relationship between the dual system of land classification it will be seen how meaningless it is to discuss each segment of the system in isolation from the other since such atomisation does not lead to a comprehensive formulation of the problem of agricultural development and social change in Malawi.

The point about the financial situation is important only in relation to the second one in that it influenced Commissioner Johnston to embark on a policy of land sales. On the other hand, the second and third points are basic to the emergence and perpetuation of the structure of contradictions under study.



The source of funds with which Johnston started his work was unconsolidated. Whereas the British Government undertook to pay his salary plus an allowance for official expenses, he was to maintain law and order on the expense of the British South Africa Company supplemented with a local levy of taxes which he would collect on the approval of the British Government. The financial involvement of the British South Africa Company arose from the fact that the new Protectorate was composed of two parts. Bounded by the Zambezi River in the south, and by Portuguese territories in the east and west, by Belgian Congo in the northwest, and by German East Africa in the north, the British Central Africa Protectorate included Nyasaland which was placed under the direct control of the British Government, and all land lying to the west of Nyasaland, which came under the influence of the Chartered Company. The political control of both of these territories was vested in Commissioner Johnston, and the subsidy from the British South Africa Company was intended for the maintenance of the Company's police force which was placed under Johnston's control.<sup>68</sup>

Johnston's duties in the territory under the Chartered Company were scheduled to continue up to July 1894, after which the British Government and the Company could revise the arrangement.<sup>69</sup> But as 1894 was approaching Johnston started to negotiate for an increased annual subsidy from the Company for a period of five years. In return he would give the Company proprietary rights in the Nyasaland part of the Protectorate. The Colonial Office in London warned the Foreign Office against these negotiations. It was concerned that if these negotiations

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<sup>68</sup> FO 84/2114, 9.2.1891; Johnston to Currie, cited by Gelfand, M, in his Lakeside Pioneers: socio-medical study of Nyasaland (1875-1920), Blackwell, Oxford, 1964, pp 98-9.

<sup>69</sup> loc. cit.



were allowed to materialise the British Crown would have little, if not no, estate in the country in five years time, and that this would make it difficult for the British Government to maintain law and order in Nyasaland.<sup>70</sup> The Colonial Office then suggested that the British Treasury be asked to give a grant-in-aid to the Protectorate instead of allowing Johnston to depend on the Chartered Company. This was done, and in response the British Treasury sanctioned a grant-in-aid worth £35,000 for the year 1894-95.<sup>71</sup> And in the same year of 1894 Nyasaland was cut off from the area that came under the Chartered Company.<sup>72</sup>

However, the British intervention in the negotiations between Johnston and the British South Africa Company was not aimed at stopping Johnston from pursuing a policy of disposing of Crown Lands by sale. Indeed, this was the policy which he embarked on after he had dealt with the problem of conflicting land claims among the early European planters. But the manner in which Crown Lands were granted to the subsequent incoming European land seekers was not specified until 1895 when the legal instruments for governing the disposal of Crown Lands were issued.<sup>73</sup> These regulations laid down terms for the sale of land. They provided for the initiation of the process by the land seeker who was first to choose a block of land before he submitted a written application to the Administration. It was the applicant's duty to make an accurate description of boundaries of the block of land and for this purpose he was to attach a sketch plan of the block of land to his application. He was also required to send the application with a fee of two pounds.

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<sup>70</sup> Memorandum on Land Matters in Nyasaland, dated 9th October, 1924, in CO 525/109, 1924, from Bowring to CO, p 60.

<sup>71</sup> loc. cit.

<sup>72</sup> Jones, G., Britain and Nyasaland, George Allen & Unwin Ltd., London 1964, p 124.

<sup>73</sup> Memorandum on Tenure of Crown Lands in The Nyasaland Protectorate, in CO 525/24, 5.9.1908, Sharpe to CO, pp 276-8.

The regulations also outlined the channel of communication between the applicant and the Commissioner administering the Protectorate. According to this outline, the applicant was to send his application to the District Resident responsible for the administration of the District in which the block of land being applied for was situated. In his turn the District Resident was to make observations on the application before forwarding it to the Chief Surveyor. He was specifically required to state the number of African huts, if there were any, on that block of land; and if he had objections to the sale of this block he was to give reasons. Before forwarding the application to the Commissioner, the Chief Surveyor was to certify that the applicant's description and sketch of the block of land were clear enough to enable him to locate and eventually survey it.

On receipt of the application the Commissioner would either approve or disapprove of the sale of the block of land in question. Where approval was granted the block of land would be advertised in the Government Gazette where it was to appear for a period of six weeks before it was put up for sale by auction in Blantyre. The Commissioner would determine the initial price at which bidding would commence, and the highest bidder would buy the block of land. If the highest bidder was not the original applicant he would be refunded the two pounds fee which had accompanied the application to the owner.<sup>74</sup>

In 1904 Sir Alfred Sharpe's administration thought it preferable to lease rather than sell Crown Lands.<sup>75</sup> This was so for two reasons. First, they realised that Crown Lands, especially in the Shire Highlands

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<sup>74</sup> Memorandum on Tenure of Crown Lands, (1908), loc. cit.

<sup>75</sup> Sharpe to CO, (enclosing Government Circular No. 8), in CO 525/3/1318, 1908.

were limited; and secondly, they expected the value of land to increase owing to the construction of the Shire Highlands Railway which was then in progress.<sup>76</sup> But the procedure for the disposal of land remained the same as it was laid down in the 1895 Government Land Sales Regulations, except that the 'upset price' at which bidding started became 'upset rental'.<sup>77</sup>

However, change of policy came with additional terms of land disposal. The period of tenure of leased land was to range from seven to twenty-one years if the land was intended for the growing of a quick maturing crop like tobacco or cotton. But these short term leases would have two options inserted in them. One of the options was that the lessee could renew his lease at a re-assessed value of land after a period of seven years. The second option was that he could buy the land at the end of the first period of seven years. The Administration also made a favourable concession that lessees who would choose to buy the land at the end of the first tenure would have fifty per cent. of the total rent paid during the lease go towards the purchase price.<sup>78</sup> The other requirement was the payment of rent which was fixed at five per cent. of what was assumed to be the value of the land in 1904.

In all, there were thirteen conditions on which Crown Land would be leased.<sup>79</sup> One of these conditions was that settlements and cultivation or pasturage belonging to Africans were not to be part of the lease. Lessees were explicitly forbidden to collect rent from Africans living on the leased land at the time when the lease was granted, and they were forbidden to sublet the land leased to them without the Commissioner's written consent.

A far reaching result of this change in land policy was the

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<sup>76</sup> Memorandum on Tenure of Crown Lands, (1908), op. cit., p 278.

<sup>77</sup> *ibid.*, pp 278-9.

<sup>78</sup> *ibid.* p 279

<sup>79</sup> *ibid.* p 279-80.

reaction it provoked from the community of European settlers. On the 12th November 1904 the Planters Association held a meeting at which they unanimously passed the following resolution:

That this meeting considers that the action of Her Majesty's Administration of the British Central Africa Protectorate in prohibiting the sale of Crown Lands, and in raising the rent of the same, is contrary to the interest of the country; and this meeting respectfully submits that it is advisable to encourage the new agricultural interests of the country ... by allowing planters to purchase or rent a reasonable amount of land in suitable districts at the rates previously obtaining; and further, that the development of the country would be aided by levying a land tax on unoccupied land, provided that for every acre of cultivated land, the proprietor or lessee should be allowed five acres of uncultivated land free of such tax. <sup>80</sup>

A significant point in this resolution is the assertion that change in land policy was not in the interest of the country. This was indeed the case since there was no corresponding change in the policy of economic development through the European planter, and as long as this policy continued there was bound to emerge a persisting relationship of conflict between the Administration and the Planters Association.

As a matter of fact the Administration did not change its policy; and between 1904 and 1906 there was an appreciable change from the practice of disposing of Crown Land through sale to that of granting leaseholds. Then between 1906 and 1908 the option to purchase disappeared gradually. <sup>81</sup> These changes provoked further criticisms from European settlers. This time the new policy came under severe attack. In 1908 it was alleged that the policy of short term leases was not conducive to the encouragement of an inflow of desirable settlers from the British Empire to make a real home in the Protectorate. <sup>82</sup> It would seem as if the Government was touched by these criticisms, for in 1908

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<sup>80</sup> Sharpe to CO, 28.11.1904, in CO 525/3/1318.

<sup>81</sup> Cmd., 10582, Report of a Commission Appointed to Enquire into and Report Upon Certain Matters Connected with the Occupation of Land in Nyasaland; Zomba, 1921, in CO 525/97/8656, 1.10.1921; Smith & Co., p566.

<sup>82</sup> The Times, Saturday, 3rd October 1908; see cutting in Sharpe to CO (encls), 20.7.1908, CO 525/24/32528.

they restored the policy of options for lessees to purchase the leased land and even inserted these options in previous leases from which they had been excluded.<sup>83</sup> But this was a temporary concession because by 1911 the policy of options was discontinued and then criticisms mounted.

At this point it may be worthwhile looking into reasons why the Government decided to wade through this contradictory situation. The press allegation that the policy of lease in lieu of sale discouraged the immigration of desirable white settlers is a key to the understanding of the problem. The policy of the Protectorate Government on the question of European immigration was contrary to the wishes of the Planters Association. This policy derived from a general British policy on dealing with the problem of land in protected territories. The view, as it has already been stated above, was expressed by the Colonial Office in 1894 that such territories were not to be regarded as open to extensive agricultural occupation by Europeans but as places for the indigenous people. However, the Colonial Office also made the point clear that where there was an increase of white farmers, and if it was found desirable to encourage this trend, Britain would annex protected territories and administer them as Crown Colonies.<sup>84</sup>

At the time when the press made the allegation referred to above the Nyasaland Protectorate was officially being treated as not open to extensive European agricultural occupation. But the view expressed by settlers was reflecting their desire that Nyasaland should be declared a Colony, and this could only be done through increased white immigration. However, this desire was inconsistent with the fact that most of the early settlers were not of British descent but of German, Polish, Italian

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<sup>83</sup> Cmd, 10582, Land Commission Report, 1921, op. cit., p 566.

<sup>84</sup> Memorandum on Land Matters, 1924, op. cit., pp 62-3, quoting letter from CO to FO, 19.7.1894.



and Hungarian descent.<sup>85</sup> The motives of settlers of such diverse nationalities might not necessarily be in the interest of Britain. Thus, the problem of future European settlement did not only pose an economic question, but also that of the political future of the Africans in the event of British annexation of the Protectorate. That is to say that if Nyasaland were eventually to become a self-governing group under Europeans Britain would eventually have as little control over affairs there as is the case with Boer-controlled South Africa.

The question of the future of the Africans is at the centre of the policy of economic development. Failure by Commissioner Sharpe to initiate a corresponding change in the Protectorate's policy of economic development when he was formulating the policy of lease, instead of sale, of Crown Lands in 1904 can be attributed to the fact that he saw the African existing in the past and future, and not in the present. The African-in-the-present was the same as the African-in-the-past. The future African would be a product of western civilisation which Christian Missionaries had volunteered to impart to children of the African-in-the-past. The Protectorate Government took it upon itself to supervise this instillation of western civilisation in the mind of the African child. Meanwhile the economic development was to be the responsibility of the European planter, and the adult African was to serve as a subsidiary participant - a labourer. But the European planter was not given encouraging conditions despite his willingness to take up the economic responsibility which he was being asked to shoulder.

This paradox makes it necessary that a study of the history of land tenure in Malawi should also imply the study of the relationship

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<sup>85</sup> Judgement of His Honour Judge Nunan on Mineral Rights Cases, of 2.7.1904, in CO 525/1/9102, 31.3.1904, p 61.

of conflict between the Government and planters. With this view in mind the rest of this section is devoted to such a study. It involves analysing the way in which the Government was able to maintain a balance between its two contradictory policies in the face of mounting criticism from settlers. Three ways will be considered. The first relates to the way the Government responded to criticisms which implied the settlers' acceptance of the policy of leases in lieu of sales of land. The second method concerns the actual maintenance of the structure of contradictions by partitioning the land on the basis of racial divisions. Thirdly, there was the verbal method of assuring African Chiefs that their interests were being taken care of by the Government.

Criticisms from planters fall into four classes, namely; the haphazard method of land disposal, the arbitrary method of determination of upset rental, and the twin systems of short leases and high rentals. The first two criticisms were brought forward from the time the regulations were issued in 1895, and the last two date back to 1904. But their effect on the Government policy was marked only after the first World War which lasted from 1914 to 1918. At that time the 1895 and 1904 regulations had been incorporated in the Crown Lands Ordinance of 1912. In the main, this Ordinance retained the same procedures of land disposal and the determination of initial rental for bidding at the auction sale as they had been defined and adopted in 1895 and 1904 respectively,<sup>86</sup> as well as the two conditions of short term leases and high rentals which were first enunciated in 1904.<sup>87</sup>

In the face of increased European settlement owing to leases granted to the in-coming ex-soldiers by the early settlers, and since these leases did not match the increasing demand for land, the economic

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<sup>86</sup> The Crown Lands (Non-Native) Ordinance 1912, A Bill in CO 525/41/9120, 20.4.1912; From Manning to CO, p 471. See sections 6 & 7.

<sup>87</sup> *ibid.* pp 472-3. See section 9 (o) and (p).



disadvantages of the land policy became more obvious than they ever had been before.<sup>88</sup> These disadvantages were aptly documented by the Land Commission headed by Judge Jackson in 1920-21. These were in the form of criticism which the Commission had received from witnesses and on which they commented.<sup>89</sup> The criticism against the method of land disposal was that it was too expensive for the applicant. This was so because if he got the lease it meant that he got it at a higher rental than the initial one and at the cost of a lot of time, which might also mean the loss of a whole season. But he might also lose it to a higher bidder; in which case he wasted time for nothing. On the part of the Government the loss of the first applicant might mean the loss of a suitable lessee.<sup>90</sup> As for the settlers' objection to the way 'upset rental' was determined, their complaint was that this rental was not calculated on the basis of local conditions which were thought to be variable. The result was that poor land was valued at the same rate as rich land.<sup>91</sup>

Criticisms against the twin systems of short term leases and high rentals imply one another. The period of twenty-one years and the arrangement for the renewal of these leases at intervals of seven years were considered by planters to be inconvenient and uneconomical. Since most of the would-be planters had hoped to raise capital for developing the leased land on the security accruing from leases, the arrangement of short-term leases did not serve this purpose.<sup>92</sup> The system of high rentals was a consequence of the process of re-assessment of rental

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<sup>88</sup> Cmd. 10582, Land Commission Report 1921, in CO 525/97/8658, op. cit., p 568

<sup>89</sup> Land Commission Report, 1921 op. cit., passim.

<sup>90</sup> *ibid.* p 583.

<sup>91</sup> *ibid.* p 572.

<sup>92</sup> Cmd. 2387, Report of the East Africa Commission, HMSO, 1925, p 963, in Reports from Commissioners, Inspectors and Others, 1924-25, vol., ix, pp 855-1051.

at each of the two intervals when the lease was being renewed. It provoked three criticisms: that it gave no scope for forecasting future rental, that the fixing of rental was not done on the basis of land suitability, and that it led to a rapid rise in the level of rentals. The last criticism was borne by the fact that in 1920 rents were raised.

When the Land Commission issued its report in 1921 it came up with recommendations which considerably met the criticisms recorded here. For example, on the question of method of land disposal the Commission was for the replacement of the auction by the method of direct grants of lease from the Governor to the lessees. This change would require that the haphazard method of selection of land by the applicants was to be abandoned since the new practice would involve the Government in selecting certain blocks of Crown Lands for future European settlement.<sup>93</sup> The machinery for the implementation of this new practice had in fact already been created by the 1920 amendment to the 1912 Crown Lands Ordinance so that when the Land Commission was issuing its report the auction method hardly involved bidding.<sup>94</sup> To meet critics on the question of the determination of 'upset rental' the Land Commission suggested that it should be done in each District on the advice of a small board composed of the District Resident, a representative from the Department of Agriculture, and one or two local landowners.<sup>95</sup>

Even on the twin questions of short-term leases and high rentals the Land Commission was sympathetic towards planters. Its recommendation was that the twenty-one year leases be discouraged, and that the requirements of applicants, rather than the nature of crops to be

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<sup>93</sup> Land Commission Report, 1921, op. cit., p 584.

<sup>94</sup> Report of the Commission Appointed to Inquire into the Financial Position and Future Development of Nyasaland, HMSO, 1938, p 26.

<sup>95</sup> Land Commission Report 1921, op. cit., p 572.

grown by the lessee, should serve as a factor in deciding the period of leases. They also expressed the view that in exceptional cases the original lease might be granted for a total period of twenty-nine years. They, however, did not envisage the discontinuation of the system of periodic renewal of leases. About high rentals they felt that it was advisable that a percentage increase, as well as the period of time when this increase would take place, be indicated in the lease to enable lessees to estimate the liability that they were likely to incur in future.<sup>96</sup>

In 1931 the Government appointed a Committee to inquire into the situation which gave rise to criticisms against high rental fixed in 1920. The Committee reported in 1932 and recommended that percentage deductions from a maximum rental be "... allowed for such detracting factors as poor soil, distance from market, labour difficulties, unsuitability of climate, and shortage of wood and water."<sup>97</sup> These recommendations were subsequently approved by the Government. Also in 1931 the Government repealed the Crown Lands Ordinance of 1912 and replaced it with another one which made rent liable to revision at intervals of not more than thirty-three years.<sup>98</sup>

So, by giving some concessions to the planters' demands the Government got away with its contradictory policies. The process of dividing the society into Europeans and Africans, and of making this conceptual framework correspond with the partition of land between that for African occupation and the other for European settlement was another

<sup>96</sup> Land Commission Report 1921, op. cit., p 572.

<sup>97</sup> Report on Finance and Development 1938, op. cit., p 26.

<sup>98</sup> ibid., p 25.

method used by the Government to make its policies work. Johnston is reported to have contemplated this division of Crown Lands.<sup>99</sup> The 1912 Crown Lands Ordinance gave sanction to this division,<sup>100</sup> and in 1920 Sir George Smith specifically instructed the Land Commission to consider the idea of creating reserves for African settlements and of setting aside areas for the settlement of non-Africans.<sup>101</sup> To provide Africans with security of tenure in their land and to allay their feelings of uneasiness, the East Africa Commission suggested "that all Crown lands not yet leased ... should be vested in a Trust Board [to be] so constituted as to command native confidence."<sup>102</sup> In welcoming this suggestion Sir Charles Bowring presumed that 'Trust Lands' would cease to be 'Crown Lands',<sup>103</sup> and advocated a more gradual building up of the African Trust Lands.<sup>104</sup>

Sir Charles envisaged the constitution of the Board to include the Chief Secretary to the Government as its Chairman, the Provincial Commissioner for Zomba to be Deputy Chairman and two other trustees in the first instance. One of the trustees was to be a Christian Missionary while the other was to be a man who would command the respect of Muslims. These two unofficial trustees were to be nominated by the Governor. The Government's Legal Department was to be available to give advice to the Board though the Attorney General was not to be a Trustee. The Board would act on the advice of Provincial Commissioners who would in turn be advised by their respective District Commissioners.

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<sup>99</sup> Memorandum on Land Matters 1924, op. cit., pp 58-9.

<sup>100</sup> The Crown Lands (Non-Native) Ordinance 1912, op. cit.; note the adjective within brackets.

<sup>101</sup> Land Commission Report 1921, op. cit., See terms of reference.

<sup>102</sup> Cmd. 2387, Report of the East Africa Commission 1925, op. cit., p 963.

<sup>103</sup> Charles Bowring to CO, CO 525/2/112, 30.11.1925 p 537.

<sup>104</sup> *ibid.*, p 538.

The latter would get their advice from African chiefs.<sup>105</sup> But Governors Thomas and Young who came after Bowring held the view that what was required was an Order in Council which would enunciate the doctrine that all unalienated land in the Protectorate was vested in the Governor as trustee by delegation from the British Crown.<sup>106</sup> And counter to this view was the one held by the Colonial Office that unalienated land should be vested in the Secretary of State instead of in the Governor.<sup>107</sup>

It was the view of the Colonial Office which prevailed when in 1936 the Trust Land Order-in-Council also divided land in the Protectorate into three categories, namely; Crown, Reserved and Trust Lands. These categories were respectively defined as follows:

- a Crown Lands are all lands and interests in land acquired or occupied by or on behalf of His Majesty. They include all sites occupied by the administration and the Government departments;
- b Reserved lands include land other than Crown lands within the boundaries of a township, Government reserves at Government stations, forest reserves, and all lands and interests in land (other than yearly tenancies) alienated or otherwise disposed of prior to the enactment of the Order-in-Council. But the alienation of mineral rights only does not constitute an interest in land;
- c Native Trust land is all the land in the Protectorate other than Crown and Reserved Lands.<sup>108</sup>

This new classification of land excludes Trust Lands from Crown Lands as it had been presumed by Sir Charles Bowring in 1925. Yet, the framework is the same as it had been contemplated by Johnston in 1891, and it has been carried forward to this day though there has been

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<sup>105</sup> Charles Bowring to CO, CO 525/2/112, 28.11.1925, p 566-9.

<sup>106</sup> Hubert Young to CO, CO 525/148/5342, 3.2.1933, p 88.

<sup>107</sup> Sir Phillip Cunliffe-Lister to Hubert Young, 3.5.1933 in CO 525/148/5342, p 57.

<sup>108</sup> Report on Finance and Development, 1938, op. cit., p 23.

change in terminology. Today Crown Land has become Public Land and Trust Land is known as Customary Land. But freehold land has retained its original name.<sup>109</sup>

A point worth noting is the period of time of decision-making on the part of the Government. For instance, ten years passed before recommendations made by the Land Commission were incorporated into the Ordinance which replaced the 1912 Crown Lands Ordinance in 1931. Similarly, the Trust Land Order-in-Council came into being ten years after the East Africa Commission had conceived the idea of Trust Lands. This delay served to support continuity in the policy which was explicitly outlined by Sir William Manning when he wrote:

Nyasaland cannot be regarded as a country fit for European settlement, that is to say, a country to which people come or will come, with the object of settling and making their homes in the country, such as is done in the highlands of East Africa.<sup>110</sup>

This policy survived Sir George Smith's attempt in 1922 to influence the Colonial Office to advise the British Government "to annex the country as part of the actual dominions of the Crown and administer it as a Crown Colony".<sup>111</sup>

The Land Commission which had been appointed by Sir George Smith in 1920 recommended against grants of freehold title to land in the country,<sup>112</sup> and Sir Charles Bowring who succeeded George Smith held the view that:

Because of its climate, Nyasaland can never be a 'White man's country' or suitable for European colonization in the sense of the word. It appears to me that its prosperity will depend on the development of its tropical agricultural resources partly by a limited number of European planters but principally by the natives themselves with the European as instructor and middleman.<sup>113</sup>

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<sup>109</sup> Chipeta, W., 'Land Tenure and Problems in Malawi', in The Soc. of Malawi Journal, 1, 1971, p 25. He has adopted the new terminology.

<sup>110</sup> William Manning to CO, 16.3.1912, CO 525/41/9120, p 468.

<sup>111</sup> George Smith to CO, 27.2.1922, CO 525/101/9102, pp 147-9.

<sup>112</sup> Land Commission Report 1921, op. cit., p 568.

<sup>113</sup> Charles Bowring to CO, 10.6.1924, CO 525/3/109, p 19.



Sir Charles' way of thinking was not consonant with the impartiality of the East Africa Commission who expressed the view that Colonial Governments were trustees of rich territories which they had to help to exploit economic resources in the colonies.<sup>114</sup>

However, the East Africa Commission also held the view that colonial Governments should be working for the promotion of community spirit in the Colonies, and in 1933 their view was echoed by Sir Hubert Young who spoke against persisting efforts in the past to divide the unalienated land into "what is required for native purposes and what is available for alienation to non-natives".<sup>115</sup> Sir Hubert objected to this division as well as to the enunciation that the land was the property of the Africans. His fears were that future developments might compel the Government to switch land from one class to the other and that to accept the doctrine of land ownership by Africans "might tend to throw doubt upon the validity of past alienations."<sup>116</sup>

However, the same Sir Hubert Young was reported by the Unofficial Members of the Nyasaland Protectorate's Legislative Council to have told the African Chiefs and Headmen at Zomba on the 3rd of June, 1933 "that all unalienated land not held by Government was to be administered by Government for the benefit, direct or indirect, of the natives; and no land would be leased or sold except in consultation with the Native Authorities".<sup>117</sup> These Members of the Legislative Council were opposed to the use of the phrase 'for the benefit of the native'.

All this dialectical process in the way the Government handled the

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<sup>114</sup> Report of the East Africa Commission, 1925, op. cit., p 876.

<sup>115</sup> Hubert Young to CO, 3.2.1933, in CO 525/148/5342, pp 88-9.

<sup>116</sup> loc. cit.

<sup>117</sup> Memorandum to Sir John Sandeman Allen, M.P., in reference to the holding of land in the Nyasaland Protectorate, and the alienation thereof to non-natives, in CO 525/148, 3.2.1933, p 19.



binary policy of economic development through European-owned estates, and of safeguarding African land rights for their future, reveals that the policy was itself under constant pressure both from within and from without. But the structure of contradiction persisted because of the way the Government handled the two policies. The Government acted on those criticisms which implied the critics' acceptance of the policy of Crown Leases; it maintained the bipartite system of land classification, and it constantly assured the African Chiefs and Headmen of its policy to safeguard their rights in land.

However, this continuity of policy was associated with changes not only in Government terms of leasing land, but also in the way European settlers struggled to get more land from the Government. Sir Charles Bowring's view that the Protectorate would principally be developed by Africans, with the European as an instructor, was echoed by the Unofficial M.L.Cs. in 1933 when they expressed the view that the development of the country could only be brought about through co-operation between Africans and Europeans in the Protectorate. They even asserted that:

the history of the country [had] proved that the native required the example of non-native planters to carry out developments which he [was] unable to start for himself. 118

But this new position taken by settlers was only a strategic method calculated to relieve the Africans of their "fear of wholesale alienation of land without their knowledge and real consent" to let them recognise "the value of non-native assistance" and "offer no

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118 *ibid.*, p 20

objection to the alienation by lease for limited periods of land which is not at the moment required for their own needs".<sup>119</sup>

The strategic part of the settlers' change of attitude was that they saw their survival resting on a closer association with Southern Rhodesia and for this they needed African support. The idea of including Nyasaland in this association was first conceived during the period of the first World War, and Alexander Hetherwick of the Blantyre Church of Scotland is reported to have made Nyasaland's first protest against it.<sup>120</sup> And in 1939 the Bledisloe Commission reported against the notion of amalgamation between the Rhodesias and Nyasaland.<sup>121</sup>

Another shattering blow to the planters was the out-break of the second World War which influenced the Government's land policy. During the war period the Government had anticipated a rise in demand for land from the returning European and African soldiers. This influenced them to adopt a policy of non-alienation of the unoccupied trust land to Europeans, either by lease or other form of tenure; and they re-iterated the view that trust lands were held in trust for the African inhabitants of Nyasaland and would be developed to that end.<sup>122</sup>

So, the system in which Sharrer operated was contradictory. On the one hand it allowed him a dominant place, while on the other it denied him and other planters freedom to openly expand their possessions in the face of growing fears among Africans. Nevertheless, the system also gave them room for manoeuvre since the Government was not prepared to enhance the status of Africans. This left the European planters as the undisputed leaders in the country as well as in their respective

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<sup>119</sup> Report of the Native Welfare Committee for the Year Ending 31st Dec. 1937, in CO 525/44176/1 1938, p 10.

<sup>120</sup> Jones, G., Britain and Nyasaland, 1964, op. cit., p 124.

<sup>121</sup> Cmd. 5949, Report of the Royal Commission on the closer association of Rhodesia and Nyasaland (The Bledisloe Report), cited by Jones, G., in Britain and Nyasaland, op. cit., p 126.

<sup>122</sup> Extract from proceedings of the Legislative Council, 15.10.1941, in CO 525/192/44298.

agricultural estates of which Chingale was one.

To sum up. This chapter has so far synthesised complex historical processes to characterise a unitary history of land tenure in Malawi. It has been argued that the system of land tenure had been changing long before British colonisation and that such change was contingent on group segmentation and immigration of groups of different ethnic identities. Colonisation tampered with the demographic process when authority to decide on land matters was assumed by the Administration. This Administration divided land into two segments and called them freehold and Crown lands. They gave individual titles to Europeans as free land holders, and reserved Crown lands for use by the Government and the dispossessed Africans.

It was at this point that opposition started to govern a different kind of system of land tenure. The difference lay in the fact that the new system had the imperial and customary elements brought together. The customary element on Crown lands enabled Africans to continue putting emphasis on the relationship between man and man as co-owners of land; while the imperial element enabled Europeans to emphasise the relationship between man and land. Opposition between the two sectors came about when European planters started to take advantage of the subordinate position to which Africans had been relegated. It was expressed through confrontation between the Government, who wanted to safeguard future African rights in land, and planters, who wanted to acquire more land and make quick profits from it.

Since the Government had also the policy to encourage agricultural development through private ownership of land, they got trapped in the structure of contradiction which rendered them unable to make long-lasting decisions as they continually succumbed to pressure from planters. This inability sustains Georges Balandier's

observation that colonisation was " a crude sociological experiment".<sup>123</sup>  
 Indeed, at one time in the history of colonial administration  
 in Nyasaland the Government themselves likened the Protectorate  
 with a new machine which "nobody knew exactly what it was or how it  
 was to be worked." <sup>124</sup>

European planters took advantage of this situation and played a  
 significant role in reducing African authority on Crown and freehold  
 lands. The following chapter demonstrates how this was done on  
 freehold land.

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<sup>123</sup> Balandier, G., The Sociology of Black Africa; Social Dynamics in Central Africa, translated by Douglas Garman, London, Andre Deutsch Limited, 1970, p 24.

Also see his article on 'The Colonial Situation: A Theoretical Approach (1951)', in Immanuel Wallerstein (ed.), Social Change: The Colonial Situation; John Wiley & Sons, 1966, p 38.

<sup>124</sup> Memorandum on Land Matters, 1924, op. cit., p 58

CHAPTER THREEPROBLEM OF THANGATA AND THE JURIDICAL SOLUTION

The position of Africans who resided on land privately owned by Europeans was also a source of friction between the Government and the community of European planters. It will be recalled that Sir Harry Johnston had granted certificates of claim to Europeans on six conditions, and that one of these conditions forbade the European land owners to disturb African villages and plantations found on land at the time of granting the certificate of claim. The European land owners did not honour their agreement to this condition, and this sparked off conflict between them and the Government, and eventually led the Government to buy Chingale and other estates in Zomba to settle Africans evacuated from other estates.

However, confrontation between them did not take place until after Johnston's final departure from the Protectorate. Johnston had ignored the problem which developed with the emergence of the relationship of thangata (landlord/tenant relationship). During the seven years of his administration the relationship degenerated into a complex problem which came to be known by the same name of thangata. This chapter will first trace how this problem emerged. Government attempts to solve it will be the next to be analysed. Thirdly, the limitation of the legal method used by the Government to solve the problem will be defined. It will be seen from the analysis that Africans were in a very weak position.

Emergence of thangata:

The concept of thangata will go down into the socio-economic history of southern Malawi as connoting a relationship of European domination over Africans on agricultural estates. To put it in precise

terms thangata connotes a relationship of conflict between European planters and Africans living on privately-owned agricultural estates. But this connotation robs the term of its richness in meaning. For elsewhere other than European-owned estates, thangata simply means 'help'.<sup>1</sup> Africans assist one another in different ways. When someone builds a hut others assist him today and tomorrow the order will be reversed. The former may assist the latter not necessarily in a similar kind of work. This time it may be the cultivation of fields which needs more than one pair of hands to attend to it. In whatever type of work the Africans assist one another, such assistance is voluntarily done. The concept of thangata in this sense refers to this voluntary co-operation among kinsmen, affines, friends or neighbours.

However, within this total flow of services there used to be narrowly structured exchanges of services between chiefs and their dependants prior to British colonisation. Such services involved the cultivation of the chief's fields by his dependants in exchange for protection which he assured or gave them. This type of exchange of services was generally looked down upon by Europeans, and the Colonial Administration discouraged the practice on the excuse that it was archaic. It was replaced by the Government Hut and Poll Tax from which the stipend of a recognised chief was paid by the Government.<sup>2</sup>

Paradoxically enough this pattern of relationship was found acceptable to European planters when they, and not the African chiefs, became the beneficiaries. They began to force the unwilling Africans resident on their estates to work on plantations. It is not yet clear when this

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<sup>1</sup> Scott, D C., op. cit., p 524

<sup>2</sup> After the inauguration of the native authority system of administration in 1933 the Government "allocated eight and a half per cent of the total tax paid to the remuneration of the Native Authorities". See Eric Smith's Report on Direct Taxation of Natives in the Nyasaland Protectorate and other Cognate Matters, London, C.A.C., 1937, p 22.



practice began. But it is evident that a month before Harry Johnston had completed preparing a list showing the distribution of freehold land <sup>3</sup>D.C. Scott of the Blantyre Church of Scotland criticised forced labour. He wrote:

A number of natives had part of their maize crops cut down by a European owner of land who is also native magistrate for the Blantyre district, and on whose ground they have had their gardens for the past year or two. Others have been working since then on the owner's plantation in order to save their gardens from a similar fate. <sup>4</sup>

He called this practice "a lawless and cruel mode of asserting one's right to land". <sup>5</sup>

This criticism provoked a revealing confirmation from one of the planters who wrote to defend the Magistrate in particular and the practice of forcing Africans to work on one's plantation in general. In his own words, the planter wrote:

I beg to crave your indulgence in asserting myself as one of the few European Colonists who does not condemn what you term in your last month's issue as "A lawless and a cruel mode of asserting the owner's right to the soil". It so happens that I know something of this case in connection with "the European owner of land and native magistrate for the district" and as your able little paper finds its way all over the world, I consider it only just that your subscribers and others who read the "supplement" should understand that the said "destruction of native crops" merely consisted of a few cobs of "Chimanga" (Indian corn) not as much as would keep a native and his family from starvation for a week. Besides when you write "Others have been working since then on the owner's plantations in order to save their gardens from a similar fate" - people unacquainted with these parts will naturally suppose the natives have been working without pay, whereas every girl or boy, woman or man, received and do receive the usual wage current throughout the district and payable in beads, calico, or coloured cloth. <sup>6</sup>

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<sup>3</sup> Memorandum on Land Matters, 1924, op. cit., p 27.

<sup>4</sup> Life and Work in British Central Africa, Feb., 1892, p 3.

<sup>5</sup> loc. cit.

<sup>6</sup> Life and Work in B.C.A., March, 1892, p 3.

Three points are worth noting here. First, there is the writer's self-identification with a group of European colonists who did not, in principle, see anything wrong with forced labour. This is an important point because it shows that what the planters were opposed to in 1922 when Sir Charles Bowring wanted to empower Principal Headmen to use forced labour was not based on their sincere conviction that the practice was wrong in principle, but that they did not see how this would benefit them. The second point is that the colonist dismissed the quantity of the destroyed maize as though the seriousness of Scott's criticism could be measured in terms of the number of cobs of maize. And thirdly, it is interesting to note that even girls, boys, and women were being forced to work on plantations.

However, the quotation has so far only shown the colonist's intention to defend the Magistrate. The actual revelation of his obsession with 'getting the work done at any cost' appears in the following sentences.

It is also within my knowledge that "the natives living on a European's land" do not readily respond to any call for help unless that call is either backed by the promise of a present or a threat of something else. For weeks the natives of a certain district have hampered the transport goods of a large trading Company, simply by refusing to carry loads although civilly asked to do so - but, as soon as they were told that they must either work to (sic) the Company when wanted; or else pay rent, failing which eviction would follow - then the men came flocking in and of course they received payment for the work done.<sup>7</sup>

This quotation shows that the incident reported by Scott was not an isolated one, and it suggests that the colonist was concerned more with getting the work done immediately than he was concerned with the creation of an amicable relationship with his African neighbours.

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<sup>7</sup> loc. cit.

It is significant that the Africans did not readily come forth to work for the planters. But what is more important is that by June 1895 they were reported to have been withdrawing from "centres of European influence to distant districts of the country".<sup>8</sup> This withdrawal was rightly attributed to two complementary factors: the difficulty faced by these Africans in obtaining land where to extend their gardens, and forced labour.<sup>9</sup> That labour relations and the lack of fixity of tenure of land by Africans constitute the same sociological problem is made evident in Krishnamurthy's study of Land and Labour in Nyasaland.<sup>10</sup>

The problem of labour shortage on plantations grew as more plantations were opened up and as every available labour was swallowed up during the first decade of the Protectorate.<sup>11</sup> This growth and the corresponding labour scarcity meant that as long as there was no alternative to the labour-intensive method of production, either the planter was to abandon his estate or coerce the African residents to work for him. He chose to coerce the Africans and in that way contravened the agreement that he would not disturb them.

The problem of thangata grew out of the relationship between labour shortage and lack of fixity of land tenure for the Africans resident on private estates. But it was made complex by another factor. The growth of plantations in the Shire Highlands attracted immigrants from Mozambique.

<sup>8</sup> Life and Work in B.C.A., June 1895, p 2.

<sup>9</sup> Loc. cit.

<sup>10</sup> Krishnamurthy, B.S., Land and Labour in Nyasaland 1890-1914, Ph.D. Thesis, London, 1964, passim.

<sup>11</sup> Life and Work in B.C.A., April, 1892, p 4.

As early as 1898 large numbers of Lomwe people were reported to have begun to come to seek work on the plantations. They came into the Protectorate in sporadic movements and spontaneously. But by 1899 the Portuguese Government handed the area inhabited by the Lomwe people to a commercial firm called The Companhia de Zambesia. In its turn this commercial undertaking granted a monopoly of Lomwe labour to Messrs. Walker Brothers, a firm in British Central Africa.<sup>12</sup> It was through this arrangement that large consignments of people came to alleviate the problem of labour shortage on plantations. However, in addition to these labour migrants an unspecified number of Lomwe fled from Mozambique to settle in the Shire Highlands.<sup>13</sup>

Put briefly, the problem of thangata grew out of the structure of capitalist economics which was also biased in favour of European planters. This structure was the creation of Harry Johnston who chose to encourage economic development through European-owned agricultural estates. It is not accidental that during the whole period of his administration (1891-97) Johnston allowed the problem to grow despite repeated criticisms raised by D.C. Scott in his paper.

Johnston had left the situation to sort itself out. But this laissez-faire policy was, as it has been argued in the second chapter, anachronistic to the paternalistic policy of the Colonial Government. In the first place the relationship of thangata on private estates was similar to the relationship between master and his servants in the pre-colonial context, and the Administration had discouraged it as an archaic relationship. In the second place, they allowed it to grow where it

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<sup>12</sup> Life and Work in B.C.A., June to July, 1900, p 7.

<sup>13</sup> Life and Work in B.C.A., April, 1903, p 10.

was intended to earn a profit for the colonist.

Eventually, the problem grew to such an extent that it drew the attention of the Government. But by the time they began to attempt to solve it thangata had grown into a chronic problem which occupied the Government for the rest of their life time. It is to these attempts that the next section addresses itself. Again, it will be seen that traditional leaders do not feature in these attempts.

Attempts to solve the problem:

The first attempt to solve the problem of thangata was taken as a result of a court case involving the Government Supervisor of Native Affairs who sued the Blantyre and East Africa Company in 1903. The Company was charged with indiscriminate inducement of African tenants to work on plantations in lieu of paying rent. This amounted to violation of the agreement about the position of African huts and plantations found on the estate at the time of issuing the certificate of claim.

But this case took place thirteen years after the planter had been allowed to use African labour in his own way. As it has been shown above, a lot of changes had taken place, including the withdrawal of some Africans from centres of European influence to find peace elsewhere. The Blantyre and East Africa Company picked this argument up to justify their case. They reasoned that the early or indigenous Africans on the estate had moved their huts so much that it was not easy to distinguish newcomers from the old occupants.

However, this argument was not found convincing by the Court, and Judge Nunan who was trying the case rejected it when he placed the onus of proof that some Africans were not original settlers upon the planter.<sup>14</sup>

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<sup>14</sup> Buell, R.L.: The Native Problem in Africa, MacMillan, London, 1928, vol., 1, p 246.

It was in 1904 when the Government appointed the first Land Commission of Inquiry, which was headed by Judge Nunan, to look into the problem of giving practical effect to his judgement. This Land Commission recommended that the Government should legislate that land-owners should set aside some land for African tenants to rent. The Government acted on this recommendation by enacting the Native Locations Ordinance (No. 5) of 1904 which stipulated:

that all natives residing on private estates at the date of the Ordinance should be considered as having the status of original settlers ....(and)....that landlords should set aside one-tenth of their acreage as native reserves, that as many as possible of the squatters on any estate should be accommodated on this one-tenth at the rate of 8 acres per hut, but that the residents of these reserves should pay an annual rent of 4/- per hut to the landlord ... and that in the event of the natives abandoning the reserves when worked out, as they would probably do, the land should then revert to the owner with the Government consent. <sup>15</sup>

Commissioner Alfred Sharpe did not use powers given to him by this Ordinance to solve the problem. There are conflicting explanations as regards his indecision on this matter. The view of the European planters is that it was the Government which failed to use the Ordinance, while they were prepared to accept the settlement of the problem. <sup>16</sup> On the other hand settlers are said to have objected to this Ordinance and to have continued to make agreements with African residents either to be paying rent to, or to be working for, them. <sup>17</sup> These contradictory explanations should not be understood in isolation from each other. Just as the responsibility to deny fifty of land tenure to Africans should be shared between the Government and the community of planters, so also should failure to take advantage of the Ordinance be a shared

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<sup>15</sup> Memorandum on Private Estates in Nyasaland, Hynde et al to Bowring, 28.5.1925, in CO 525/303 pp 94-5.

<sup>16</sup> loc. cit.

<sup>17</sup> Buell, op. cit., p 246



responsibility between them. This is so because Government policy was largely influenced by the community of planters.

A radical African response to this growing problem was in 1915 when John Chilembwe attempted to solve it by organising an African revolt on Bruce's estates.<sup>18</sup> The next Government attempt to solve the problem was prompted by this revolt. Again they appointed a Commission of Inquiry headed by Judge Grant to report on causes of the revolt. Among other things the Commission reported that thangata was a contributory cause of the revolt. They described conditions which existed there as unsatisfactory in that the landlord only demanded labour-in-lieu of rent from the African residents; that the African residents worked for two months each during the wet season in order to pay for their residence on the estate as well as Government Hut Tax; and that the estate had various devices to compel Africans to work longer than the official twenty-eight working days.<sup>19</sup>

Besides reporting that thangata was the cause of the revolt, the Grant Commission also expressed the view that the practice was illegal and recommended that the Government should introduce a system of life tenancy for Africans living in estates, regulate the position of Africans by abolishing thangata, by fixing reasonable rent and time of notice from the landlord to his tenants to quit the estate, and by not allowing the eviction of African tenants from estates except by Order of Court.<sup>20</sup>

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<sup>18</sup> Shepperson, G., and Price, T., Independent African, E.U.P., 1958, pp 178-319 passim.

<sup>19</sup> Report of the Commission Appointed... to Inquire into Various Matters and Questions Concerned with the Native Rising Within the Nyasaland Protectorate, Govt. Printer, Zomba, 1915, pp 7-15

<sup>20</sup> Report of the Grant Commission, 1915, op. cit., p 7.

In 1917 the Government enacted the Native Rents (Private Estates) Ordinance in an attempt to implement Grant's recommendations. In this Ordinance they abolished thangata and ruled that Africans who had been in the estates for more than twenty years were not to pay rent, while those who had been there for less than twenty years were to pay rent, and not to be compelled to work for the landlord in lieu of paying rent.<sup>21</sup> But this Ordinance did not guarantee that in the event of tenants failing to pay their rent landlords would not induce them to render thangata instead.

Besides, the Ordinance sought to give legal sanction to a fictitious distinction between residents who had been in the estates for twenty years from those who had been there for less than twenty years. It will be recalled that the 1904 Ordinance had given the status of original settlers to all African residents in the estates at the date of the Ordinance. In 1917 the situation had not become simpler than it was in 1904. It was even made more complex by the fact that neither the Government nor the planters had any records to help them in sorting out original villages from villages of newcomers.<sup>22</sup>

It was no wonder that the community of planters rejected the Ordinance as vague and continued to use the African tenants as labourers on their plantations. Meanwhile they pressed the Government to appoint another Commission to look into the problem in its broader aspects, including the status of Africans on private estates. When this Commission was appointed on July the 19th, 1920, its field of inquiry was indeed broadly defined as "to inquire into and report upon

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<sup>21</sup> Memorandum on Land Matters, 1924, op. cit., p 76.

<sup>22</sup> Bowring to CO, 28.11.1925, in CO 525/303, pp 554-5.

certain matters connected with the occupation of land".<sup>23</sup> It was this Commission of Inquiry, headed by Judge Jackson, which legitimised the system of thangata. Recognising the complexity of the problem, the Jackson Land Commission arrived at the conclusion that thangata could not be abolished by legislation. But instead of suggesting an alternative method of abolishing it, they recommended that thangata be sanctioned by legislation.

To arrive at this recommendation the Land Commission argued as follows:

It must be remembered that what first brought the native and the European together was a contract of labour in exchange for ground on which the native could make his garden and build his hut. This practice seems to have had a foundation in the conditions of purely native life under which the member of the village community worked for a certain period in the gardens of his chief, the latter assuming towards the former a responsibility which has its parallel in the relations of the best European landlords towards their native tenants today. The practice was known from the beginning by the native word "thangata" meaning "to assist". In return for his right to occupy certain land the native "assisted" his chief or his European landlord in the latter's work upon his own land. The old established foundation of this system, in purely native life and its continued existence in spite of the two legislative attempts in 1904 and 1917 to abolish it show that it has practical convenience for both sides.<sup>24</sup>

So, on the basis of these two factors: that the practice had an old established foundation, and that it had persisted despite legislative attempts to abolish it, the Land Commission recommended that the Government should recognise thangata by legislation in which there should be a provision that if the landlord accepted African tenants, he should do so only on terms fair to the African and acceptable to the

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<sup>23</sup> Land Commission Report, 1921, op. cit., passim. For terms of reference see p iii.

<sup>24</sup> *ibid.*, p 15.

European landlord.<sup>25</sup> It should be noted that the Land Commission did not attribute the persistence of thangata to the colonial situation, to the structure of the economy, and to the economic position which the Government had given to the planters. Nor did they mention the fact that the aspect of thangata which the planters encouraged to persist was slavery in a different economic situation. They simply were concerned with the maintenance of the system in an orderly form.

Nevertheless, despite the encouragement they received from the Jackson Commission, the Government felt that the Commission did not provide any permanent remedy to the problem.<sup>26</sup> This was so because the 'practical convenience' of thangata did not conceal its moral implication, and the defeatist argument that two past legislations had failed to solve the problem was no justification to legalise thangata. Even the 1924/25 East Africa Commission which was critical of the East and Central African paternalistic colonial policy of trusteeship towards Africans by Governments was able to doubt whether the estate owners' demands for rent on the resident Africans in the Shire Highlands was sound in law, and whether the Nyasaland Government was justified in enforcing these demands.<sup>27</sup>

In 1924 the Government had an alternative suggestion to make as to how the problem might be solved. This suggestion was that the Government should reacquire a sufficient area of land from landlords to accommodate the Africans who lived on private estates.<sup>28</sup> The East

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<sup>25</sup> Land Commission Report, 1921, op. cit., p 14.

<sup>26</sup> Bowring to CO, 10.6.1924, in CO 525/109/8947 p 16.

<sup>27</sup> Report of the East Africa Commission, 1925, op. cit., p 964.

<sup>28</sup> Bowring to CO, 10.6.1924, op. cit., p 16.

Africa Commission looked at the problem of financing such redemption, and they thought that this might be met by introducing a system of graduated land tax which would have the effect of encouraging the multiplication of holders of moderate areas of land. It was envisaged that this form of taxation would induce large private estate owners to surrender to the Government or lease to other people part of their land.<sup>29</sup>

But planters were quick to call this form of taxation 'confiscation' and to argue that the East Africa Commission had made no case for it.<sup>30</sup> The Government seems to have agreed with the planters' point of view as they rejected the proposal of graduated land taxation in order to compel free-holders to give up part of their land. They preferred a direct method of buying the land from the estate owners.<sup>31</sup>

So, the problem continued to drag on until 1928 when a third attempt was made to solve it. But the step which was taken in 1928 did not amount to the implementation of the policy of buying land for the accommodation of the Africans living on private estates. Instead, the Government enacted the Natives on Private Estates Ordinance to regulate the relationship between landlords and African tenants.<sup>32</sup>

The character of this regulation was that the landlords were required to grant each African resident family a site to build a house, sufficient land where to grow food for subsistence, and access to undeveloped land on the estate to fetch building material and firewood. In

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<sup>29</sup> Report of the East Africa Commission, 1925, op. cit., p 965

<sup>30</sup> Memorandum on Private Estates, 1925, op. cit., p 97.

<sup>31</sup> Bowing to CO, 28.11.1925, in CO 525/303, op. cit. p 557.

<sup>32</sup> Report on Finance and Development, 1938, op. cit., pp 35-6.

return, tenants were required either to pay rent for a period of five years when the amount of rent would be revised, or to elect to work for wages for their landlords in order to qualify for a rebate in rent. In the event of some landlords failing to offer work to tenants who elected to work, the former were required to give the latter reasonable facilities to grow cash crops which, if bought by the landlords at the obtaining market rates, would earn the tenants a rebate in rent.<sup>33</sup>

The Natives on Private Estates Ordinance classified the African residents into three groups. There were those who worked as domestic servants as well as temporary labourers. These were exempted from the arrangements described in the preceding paragraphs. The second group was that of Africans who had made a special agreement with the landlord that they must work for him for not more than a period of six months per annum. The third group consisted of those Africans who were regarded as residents on the estates in that they either resided in or owned huts on these estates with the knowledge of the landlord. This third group were liable to pay rent.

This, however, was no solution to the problem for in the 1930s the Government was still unhappy about the situation and in 1938 Bell's Commission still advised the Government either to accept that the 1928 Ordinance had extinguished the rights of the original occupants or to let the immigrants enjoy the same privileges as the rest of the residents.<sup>34</sup> It is even doubtful whether the classification was based on statistical evidence collected with this problem in mind.

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<sup>33</sup> Annual Report Upon Native Affairs, London, C.A.C., 1931, pp 54-5

<sup>34</sup> Report on Finance and Development, 1938, op. cit., pp 35-7.  
Annual Reports of the Provincial Commissioners for the year ended December 31st, 1934, 1936, and 1938, Govt. Printer, Zomba, pp 9, 14 and 16 respectively.



It was not until the 1940s that Sir Charles Bowring's idea of solving the problem by reacquiring land from freeholders began to crystallise. There are two aspects to the revival of Bowring's idea. First, there was the idea of transferring the African population from congested areas in Thyolo District to Chikwawa District. This began to materialise in 1944 when a survey of a block of land in Chikwawa was carried out. It was felt then that land was suitable for agricultural purposes.<sup>35</sup> But it was eventually discovered that there was no water supply since the sinking of wells did not yield fruitful results. The result was that the Government decided to postpone the settlement scheme.<sup>36</sup>

The second aspect was about the appointment of an outside Commission which came to look into the question of land after the second World War. The suggestion was first made by the Chief Secretary in 1943,<sup>37</sup> and in 1944 the Colonial Office in London and the Protectorate Governor agreed that a Commissioner be appointed to study this problem. But it was not until 1945 when Sir Sidney Abrahams was appointed.<sup>38</sup> He went and investigated the problem in Nyasaland in 1946, and recommended that the Government should acquire all estates which were fully occupied and cultivated by the resident Africans, and all unoccupied and uncultivated estates if such an acquisition would relieve congestion on the neighbouring African trust land, or if it would provide room for the establishment of the emancipated Africans.<sup>39</sup>

After Sir Sidney had presented his report, the Protectorate

<sup>35</sup> Gov. to CO, 18.3.1944, in CO 525/196/44321

<sup>36</sup> Gov. to CO, 18.3.1944 & 23.11.1945, in CO 525/196/44321

<sup>37</sup> Chief Secretary to Sir Dowe, 22.1.1943, in CO 525/188/44001

<sup>38</sup> Cartland to Serpell, 13.12.1945, in CO 525/199/44354.

<sup>39</sup> Report of the Nyasaland Commission, 1946, by Sir Sidney Abrahams.

Government appointed a Planning Committee under the chairmanship of Sir Talbot Edwards to collect factual information to facilitate decision-making on how to implement Sir Sidney's recommendation.<sup>40</sup> Surprisingly enough the Planning Committee reported that there was neither an estate which was fully occupied and cultivated by resident Africans, nor an estate which was entirely unoccupied and uncultivated.

This report might have been influenced by the community of planters, even though the superficiality of the legal method of a Commission of Enquiry should not be discounted. However, although they concluded that the Government could not implement Sir Sidney's recommendation, the Planning Committee accepted the principle that the Government should buy some estates from European planters.

It is, however, worth noting that at the time when Sir Sidney started his investigation in 1946 the Government was already negotiating with the A.L. Bruce Estate Ltd., for the purchase of all land held by this Company.<sup>41</sup> It was on their own initiative that the Company decided to sell their land, and the Government came to know of it through an advertisement in the press. Sir Sidney's recommendation plus those of the Planning Committee led to the Government purchase of estates from the British Central Africa Company, Ltd. Negotiations between the two parties took place in 1948, and 48,973 acres of land scattered in Zomba, Blantyre and Thyolo Districts were agreed upon.<sup>42</sup>

It was after the Government had bought the land from these two Companies that the process of transferring African families from congested areas in Thyolo, Chiradzulu, Zomba and Blantyre Districts to these new lands started. One of these new lands was Chingale. Of the 48,973

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<sup>40</sup> Report of the Planning Committee, 1948, in The Central African Pamphlets, No. 97, p 1.

<sup>41</sup> Cartland to Serpell, op. cit.

<sup>42</sup> Deed No. 19419, 12.8.1955, in the Land Registry Office, Blantyre, Malawi.

acres of land bought from the British Central Africa Company, nearly 1,488 acres were in this area. It was due to the 1948-58 Government settlement scheme that this area became known to outsiders as Chingale instead of either Namitembo or Mphimbi.

Limitation of the legal method:

So far this chapter has traced the evolution of the problem of thangata from the colonial situation in which an otherwise repugnant practice, lifted from an African context, was adapted to capitalist methods of profit-making. But the process of adaptation was not peaceful. This led to the withdrawal of Africans from areas which had been excluded from alienation by a protective condition in the certificate of claim. Yet, legal action against planters was delayed until 1903. Consequent upon this action there followed a series of Commissions of Inquiry and subsequent Ordinances aimed at solving the problem. The rest of this chapter discusses the limitation of this legal method and attributes it to the fact that it was an aspect of the colonial structure in which the European planters had a part to play.

In all, it took six Commissions of Inquiry to look into the problem of land tenure in Malawi. Two of these (the Nunan and Grant Commissions) dealt with specific problems concerning Africans residing on privately-owned land. The other four Commissions of Inquiry dealt with the problem in its broader context. But they were all blind to the fact that the colonial structure might be the fundamental factor inhibiting a sound solution to the problem.

The nature of the problem of thangata was that the colonial system of privately-owned agricultural estates allowed Africans to assume the role of labourers in the development of their own country. None of the six Commissions of Inquiry recommended the abolition of this system, but

each suggested ways and means of creating a situation conducive to effective exploitation of African labour.

It has been said, however, that the Nunan and Grant Commissions had recommended that thangata be abolished. But the methods of bringing this system to an end were not appropriate. For instance, Nunan's recommendation that freeholders of land should set aside one-tenth of their land for the use of Africans who would be paying rent for it would not be expected to bring about structural transformations calculated to alter the subordinate position of Africans in the dominant economy of European-owned agricultural estates. Similarly, Grant's recommendation of life tenancies for the Africans could only, if anything, entrench the structure of African dependence on the European planter.

It follows from the limitation of the Nunan and Grant recommendations that the 1904 Native Locations Ordinance and 1917 Native Rents (Private Estates) Ordinance which followed from the two Commissions respectively, could not bring about an effective change in the system. Yet, despite these moderate recommendations and the Ordinances that followed each of them, the European settlers were not satisfied. They steadfastly continued to block any Government move to normalise relations between races.

It was a victory on the part of the planters when in 1921 the Land Commission decided to differ with Nunan and Grant's Commissions of Inquiry on the question of the abolition of thangata. It will be recalled that this Commission was concerned about the fact that thangata had continued to exist in spite of two legislative attempts to abolish it, and that it could not be abolished by legislation. Their interpretation of the persistence of the problem was that it had practical

convenience for both the European landlord and his African tenants. In this way the opportunity to look for an alternative method of abolishing it was missed.

When explaining the origin of thangata the Land Commission avoided to relate it to certificates of claim or to the internal relations of agricultural estates. Instead, they referred to external factors which they did not analyse. Certificates of claim are an important factor in the discussion of problems associated with freehold land in Malawi because this factor was instrumental to the perpetuation of thangata. They constituted a contract between the European landlords and the Government in which Africans were mere objects whose fate was being bargained by the two parties.

The subordinate position of the Africans on private estates arose from the ambiguously phrased protective condition in the certificate of claim. This condition was ambiguous because it recognised the rights of the Africans to remain undisturbed by the European landlord; at the same time it also made its recognition sound to be temporary when it stipulated that with the written consent of Her Majesty's Commissioner and Consul-General the landlord could disturb, or remove, African villages and plantations from his estate and thereby re-acquire those pieces of land which were being occupied by the Africans in question.

The hitch in this condition was that the position of the Africans on private estates was made dependent upon whether there was economic growth or not. Since the Government was desperately in need of revenue which they hoped to derive from land tax or profits on agricultural products, a prosperous planter might easily persuade them to remove the Africans from the land to give room for economic growth.

However, the planters did not even bother to use this weakness in the contract. They, instead, took advantage of the African system of shifting cultivation which they accelerated by forcing their tenants to withdraw from the sphere of European influence. Indeed, in 1925 the Governor put it on record that at that time there was no record where it was reported that the Government had given permission to any European planter to disturb or remove villages and plantations belonging to Africans on the estates.<sup>43</sup> But between 1891 and 1925 Africans had shifted so much that there was no site which had formerly been occupied by them which had not reverted to the estate owner. On the other hand the planters had allowed the process of squatting so that by 1925 they were able to compile statistics from the 1921 census report to justify their indiscriminate treatment of all African residents as tenants at will. The figures were presented as follows:

TABLE NUMBER II <sup>44</sup>

<u>Tribes</u>	<u>Population</u>	<u>Total</u>
Anyanja	29,912	
Yao	42,951	
(Original tribes)		72,863
Anguru	57,863	
Angoni	18,788	
Achikunda	2,462	
Various	3,310	
(Immigrants)		82,423
TOTAL	155,286	155,286

(Population by Tribes on Privately-owned Estates  
in 1921)

<sup>43</sup> Bowring to CO, 28.11.1925, in CO 525/303, op. cit., pp 554-5.

<sup>44</sup> See Memorandum On Private Estates in Nyasaland, 1925, op. cit., 99.



It is not without reason that one may say that the wording of the protective condition was ambiguous. The interpretation which the European planters derived from it bears witness to this thesis. It was persuasively expressed in their memorandum that:

This claim simply meant that natives originally on the land at the time of purchase were not to be disturbed (except by Government permission) as in the natural course of events they would move and leave the land when they had exhausted its fertility. It secured to the native the usufruct of the land so long as he remained on it, which is the universal condition of native tenure. <sup>45</sup>

Since the condition in question does not allude to the African system of shifting cultivation, one may assume that the planters' interpretation of the claim might have been based on a verbal agreement between them and the Government, or that they might have withheld their knowledge of the African system from the Commissioner in order to take advantage of it when the need would arise in future.

However, it would be over-simplifying the problem to suggest that the Government was not aware of the problem of shifting cultivation. As the point has already been made, they too were a party to the creation of thangata because it was in tune with the policy of economic development. It will be argued in the next chapter that the Government made their services available to planters to make the recruitment of labour easy in exchange for services from the latter as tax collectors. And it is a well known fact that at the end of 1894 the Government sent Edwards to negotiate a reconciliation with Chief Gomani in Ncheu to facilitate a flow of labour to plantations in the Shire Highlands.<sup>46</sup> This position taken by the Government was also made very clear when in 1901 Sir Alfred

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<sup>45</sup> *ibid.*, 93.

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Stokes, E., *op. cit.*, p 369.

Sharpe, who had succeeded Harry Johnston as Commissioner, expressed concern that Africans preferred taking up temporary occupation as carriers of merchandise from the Lower to the Upper Shire to taking up work on plantations. He also expressed the hope that the construction of the Shire Highlands Railway would stop transit trade from harming plantations since it would have the effect of depriving the African of his preferred occupation and of forcing him to take up a job at one of the plantations.<sup>47</sup>

To return to the theme of the origin of thangata, it is plain that the context in which it is being discussed requires that the overall economic system in which both the Government and the Planter had a common interest should be invoked. It was the policy of the Government to use agricultural estates as a means to economic development. But this policy could not operate without the engagement of Africans as labourers on these estates. Since the same Africans preferred mtengatenga (portage) to thangata (labour in lieu of rent), the former had to be abolished and instead be replaced with a better system of transportation. But the latter was thought to have convenience for both the African and his European master.

The implication of the policy of economic development is that agriculture did not need technological change, since there was the African to do the donkey's work. This was in fact the case since the type of early planter who came to Malawi wanted to have a big area of uncultivated land to which he would keep on shifting after he had exhausted those patches of land with which he started.<sup>48</sup> To do this

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<sup>47</sup> Sharpe, A., 'Trade and Colonization in British Central Africa', in The Scottish Geographical Magazine, vxii: 1901, pp 134-5.

<sup>48</sup> Manning to CO, 16.3.1912, op. cit., p 468.

he did not need to make long-term investment in the land, for he was interested in growing quick-maturing crops to make quick money and return to his native land with a handsome income.<sup>49</sup> It was therefore convenient for such a planter to manage a labour-intensive agricultural estate. But it is difficult to justify how convenient the economic system was to a man who was reported to have preferred mtengatenga to thangata.

The character of the overall economic system was its emphasis on overseas trade. The principle of thangata relates to this system in that it fitted into it. The conversion of African labour into agricultural products which the planter sold in Britain was not geared to the development of Malawi. The African labourer could not benefit from agricultural earnings which the planter hoped to spend in his native land. Nor can savings intended to be spent outside Malawi be said to have been made in the interests of the country. But that is how apologists of thangata used to argue in order to rationalise the system.

The only justification that the planters gave for supporting the system was that they gave the right to Africans to settle and have gardens on privately-owned estates.

The 1921 Land Commission was not concerned about this broad implication of the relationship which the principle of thangata defines. As far as they were concerned, the practice of thangata seemed to have a foundation in conditions of African life. But they neither analysed the problem thoroughly in terms of the internal relations of the so-called conditions of African life, nor did they explain whether the

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<sup>49</sup> This point does not contradict the point made earlier on that the European Planter wanted freehold land. Temporary though his stay may sound, the system which he would leave behind would enable him to farm in the country by proxy; or he would sell his land to another Planter.

principle of thangata retained its Africanness when it was harnessed onto the system of agricultural estates. They also did not explain what the conditions of African life were.

Had the Land Commission considered the African customs of marrying plural wives, uxori-local residence at marriage, and the matrilineal system of inheritance they would perhaps have been persuaded to think that thangata militated against these conditions of African life in the Shire Highlands. Since the unit of thangata was a hut, just as the unit of the Government hut tax was also a hut, it is possible to draw an analogy between the unequal incidence of thangata and taxation from Eric Smith's study of direct taxation in Nyasaland in 1937.

Smith managed to compile figures on the position about plural marriages in the Protectorate as a whole. The position on the Shire Highlands was as follows:

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TABLE NUMBER III

Thyolo 3.6%	Chiradzulu 10%	Blantyre 23%
Zomba 3.35%	Mulanje 10%	
(Percentages of Plural Wives in the Shire Highlands in 1937)		

Smith reported that his enquiries had revealed that one of the reasons for tax defaulting among Africans was in respect of plural wives since the tax payer paid tax in respect of one wife and not the other wives.<sup>51</sup>

This revelation applies to thangata. When seen in terms of uxori-local residence a man who had more than one wife on an estate was liable to work twice as much as a man who had one wife. But the problem

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<sup>50</sup> See Eric Smith's Report on Direct Taxation, 1937, op. cit., p 25.

<sup>51</sup> *ibid.*, p 9.

might be complicated by the fact that, as Smith pointed out, "Wives of a man often reside in different villages under different Native Authorities, and sometimes in different Districts".<sup>52</sup> Each area coming under a Native Authority might belong to a different European planter so that a man whose wives lived on different estates would have to serve more than one landlord. Yet, his labour might be demanded by all his landlords at the same time. This would mean that on some estates his wives would work alone while on the other he would work with his other wife. Such a situation would easily lead those wives who did not have their husband's assistance to reject him and accept any new suitor who came forth.

The problem of uxorilocal residence can also be seen from another angle. Women who might not have their husband's services were usually under the care of their brothers who protected their interests in land. Their husbands only had an access to land by virtue of marriage. A man who married a woman living on an estate of a harsh landlord might leave her for this reason. It would be her brothers who would then look after her. But if these were all married and resided in their wives' villages they would also face the problem of serving more than one master.

These then are some of the conditions of African life which should have been taken into account before concluding that thangata was convenient to both European planters and the Africans resident on private estates. It is surprising that in the absence of knowledge of the African way of life the 1921 Land Commission chose to locate the origin of thangata in 'conditions of purely African life', and to postulate a parallelism between relations of chief/villager on the one hand, and the best European

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<sup>52</sup> *ibid.*, p 25.

landlord/African tenant on the other.

However, with the help of the Jacksonian theory<sup>53</sup> it is not difficult to expose the naivety of the reasoning behind the conclusions of the Commission. A crucial sentence in this respect is the one which reads: "This practice seems to have had a foundation in the conditions of purely African life ...", <sup>54</sup> and a key word in this sentence is 'seems' in that it shows that the Land Commission was not sure of the facts about the origin of thangata. Yet, despite this uncertainty they were persuaded, perhaps by hearsay, to conclude that thangata could not be abolished because it was founded on conditions of purely African life. This conclusion is neither factually nor theoretically convincing.

The evidence presented by the Commission shows that landlords would not accept money-rent from their African tenants in payment for patches of land which they occupied. The Commission noted that landlords felt that Africans could not pay in rent the equivalent of the value which they drew from the land; and that because of this feeling the landlords preferred labour to money-rent. The Commission also noted the impossibility of compelling the landlords to accept Africans on terms of rent instead of labour.<sup>55</sup> It follows from this evidence that thangata was founded in the economic system conceptualised and practised by European planters and backed by the Government.

It remains to be repeated that the solution to the problem posed by thangata could therefore be found in the overarching system of agricultural estates. The Land Commission went round this possible

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<sup>53</sup> Land Commission Report, 1921, op. cit., p 15.

<sup>54</sup> loc. cit.

<sup>55</sup> loc. cit.



solution because they too were victims of the same value system in which both the planter and Government were trapped. Thus, it is not surprising that Sir Charles Bowring felt that the Land Commission had not provided any permanent solution. But it is not clear what he meant by 'permanent solution' since this could only come if there was an end to colonisation. The 1921 Land Commission were only helping to perpetuate colonisation just as any other Commission before and after them.

The East Africa Commission also made their contribution to the perpetuation of the problem. Their pertinent remarks about what was involved in the 'trusteeship' of Colonial Governments left much to be desired. This is so because the Commission had undermined the potency of conflict inherent in the system of opposition between trusteeship which suggested that the African was a child, and trusteeship which suggested that Europeans in Tropical Africa were working for the very rich territories.<sup>56</sup> In this way they did not think differently from the 1921 Land Commission because the way the latter defined thangata and the recommendation they made to legalise it reflect the suggestion of the second type of trusteeship which they wanted to be practised together with the other type of trusteeship.

Hence, even though the East Africa Commission questioned the legality of the enforcement of the collection of rent by the landlord from the African resident, their own position in relation to the colonial situation served to encourage the European planters to serve their native countries in the way they did. To them the system of opposition between the two types of trusteeship did not exist. But as far as the situation was in Nyasaland this was not so otherwise the Government would not have been reluctant to implement the recommendations of the 1921

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<sup>56</sup> The East Africa Commission Report, 1925, op. cit., pp 875-6.

Land Commission.

The 1928 Natives on Estates Ordinance was aimed at making the two antithetical ends meet. But it also did not provide a permanent solution either. The question whether the rights of the original Africans or their descendants in privately-owned estates had been abrogated by this legislation or not was still the subject of study by the 1938 Commission.<sup>57</sup> But Bell's Commission dealt with the problem in an academic manner. He merely saw the Government faced with two alternative courses of action to take. The first course was to accept that the 1928 Ordinance had extinguished whatever African rights that had been covered by the certificate of claim, or that the Africans protected by the 'no-disturbance clause' had been put on the same footing as the immigrant Africans. This would mean that conditions which had stabilised since 1928 would be allowed to continue. The second course was to try to distinguish immigrants from the original occupiers and treat them differently.<sup>58</sup>

It will be recalled that the 1904 Native Locations Ordinance had attempted to place all African residents on the same footing while the 1917 Native Rents (Private Estates) Ordinance had distinguished original settlers from immigrants. And it should be noted that the 1928 Natives on Private Estates Ordinance had also placed all Africans who were regarded as residents in the same group of those who were liable to pay rent. The two alternative courses suggested by Bell were nothing other than syntheses of earlier Ordinances and the Government had already failed to choose between the recommendations of Nunan and Grant on the one hand, and the recommendation of Jackson's Commission on the other hand. In this case Bell's two alternative courses were redundant.

Nevertheless, the fact that by implication Bell drew the attention

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<sup>57</sup> Report on Finance and Development, 1938, op. cit., pp 36-7.

<sup>58</sup> loc. cit.

of the Government to the suggestion that, within the prescribed colonial framework, there were only two courses to take sustains the thesis that he too was part of the system which he helped to perpetuate. There is also another point about Bell's recommendation. By drawing together suggestions and legislations which the Governmen had already failed to utilise, he was, again by implication, exposing the incapability of the Government to deal with human problems generated by the contradictory colonial situation.

As for the recommendation of Sir Sidney Abrahams, its virtue of accepting the idea of Government purchase of land from freeholders has already been appreciated. It has also been noted that despite the fact that the Planning Committee had reported that the type of land Sir Sidney had recommended to be purchased did not exist, his report was accepted in principle and that it was immediately acted upon by the Government.

But this solution can hardly be said to have been intended to solve thangata, for its basic aim was to relieve agricultural estates of population pressure. Only those Africans who were accepted to go and settle on the purchased land got emancipated from their dependent position. Those who remained on the estates continued to be subjected to the same relation of European domination.

In fact, by this time the problem had grown in magnitude so that despite the transfer of population from high density Districts in the Shire Highlands to settlement areas in Zomba District, the Government was still pre-occupied with the problem of thangata.<sup>59</sup>

To sum up. This chapter has shown how the problem of thangata

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<sup>59</sup> Report of a Commission of Enquiry Appointed by the Governor on the 20th of August, 1953, under the Commission of Enquiry Ordinance, Zomba, Govt. Printer, 1953, passim.

was allowed to grow during the 1890s. In the main, it has sustained the thesis advanced in the last chapter that in the face of pressure from European planters, the Protectorate Government was unable to decide on how to implement its paternalistic policies without contradicting its policy of economic development through the agency of European planters.

It was in a situation characterised by such contradiction and administrative indecision that the system of leadership in Chingale evolved. Since the area had been privately owned until it was purchased for the settlement of African evacuees from private estates, it would be interesting to know how processes of change described in this and the last chapter affected the area. But before going on to this theme something needs to be said about changes in the political system arising from changes in the system of land tenure. The next chapter is devoted to this theme. It will be seen that traditional African leadership was weakened as European planters gained power.

## CHAPTER FOUR

POLITICAL HISTORY IN MALAWI

Much of what has been written on the rise of nationalism in Malawi<sup>1</sup> has emphasised the direct relationship of conflict between the defunct Protectorate Government and Africans. Little effort seems to have been made to analyse the relationship where the African plays no role but is used as a pawn which generates conflict between actors in the colonial situation.<sup>2</sup> This chapter seeks to discuss the relationship between the Protectorate Government and European planters in southern Malawi in relation to their roles in the process of subordinating traditional leaders as they initiated them to administrative positions within the colonial framework.

This theme continues from the second chapter where it has been demonstrated that when the European planter assumed rights of land ownership in southern Malawi, he became so powerful as to effectively oppose the Government's paternalistic land policy. The same theme continued in the last chapter in which the two actors confronted each other over the position of Africans in European-owned agricultural estates.

In this chapter the theme will be discussed under three sub-titles, namely: the establishment of central administration in Malawi, policy of concentration of African huts, and the inauguration of self-local

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<sup>1</sup> Useful studies on this topic include I.R. Rotberg's, The Rise of Nationalism in Central Africa: the Making of Malawi and Zambia 1873-1964, Harvard University Press, 1965, and R.K. Tangri's, The Development of Modern African Politics and The Emergence of a Nationalist Movement in Colonial Malawi 1891-1958, Ph.D. Thesis, University of Edinburgh, 1970.

<sup>2</sup> For a comprehensive analysis of the colonial situation see Georges Balandier's, Sociology of Black Africa..., London, André Deutsch, 1970, pp 21-56. Also see his article on 'The Colonial Situation...' in Immanuel Wallerstein (ed), Social Change..., 1966, op. cit., pp 34-61, and his Political Anthropology, London, Allen Lane, the Penguin Press, 1970, pp 159-72.

government.

Establishment of central administration:

There are two aspects to this process, and these are the constitutional instrument which defines what should be done, and action taken, on the basis of the constitution. The constitution on which the first ten years' administration of the British Central Africa Protectorate was founded was nothing other than the Africa Order in Council of 15th October, 1889. Harry Hamilton Johnston was appointed Commissioner and Consul-General under this prerogative, and among other things, the Order in question authorised him to create districts in the new Protectorate.<sup>3</sup> Johnston translated this Order into an administrative framework by first introducing a simple but ill-defined system of four large districts, namely: Lower Shire, South Nyasa, West Nyasa, and North Nyasa. In 1892 he re-defined the country into twelve districts<sup>4</sup> and posted a Revenue Collector to each of these administrative units.

It is worth noting at the outset that the first District Administrator was called the Revenue Collector, although he was also given the responsibility of maintaining law and order among Africans in the District. The colonial district framework was nothing other than an attempt to divide the country into units of taxation. Its effect on the African social organisations was disintegrative, for it untied people's relationships with one another and identified individual persons with huts or themselves as units of taxation. It restricted Africans to bounded partitions in order to control their movements,

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<sup>3</sup> FO to Johnston, 24.3.1891, cited by C.A. Baker, 'The Development of Administration to 1897', Paper read at the University of Malawi Conference on The Early History of Malawi, July, 1970, (mimeo.), pp 7-8.

<sup>4</sup> Johnston, H H., (1897), op. cit., p 154.



and it reduced them to subordinate positions.

The imposition of taxation on the African population of Malawi was one of Johnston's priorities. By December, 1891, a census of African householders was being taken in the Shire Highlands prior to taxation.<sup>5</sup> A twelve shillings tax per head was imposed on all householders in Ruw district of the lower valley of Shire River by October 1891.<sup>6</sup> And by June 1892 tax of six shillings per head was collected from male members of over fourteen years of age in Blantyre District.<sup>7</sup> However, even though the tax policy might have been agreed upon by traditional chiefs who sought for British protection, the African tax-payer resented it, and the Administration resorted to force to make him pay the tax.<sup>8</sup>

Confrontation between Africans and the Administration was inevitable in Blantyre and Zomba Districts where the Administration had assumed powers of the African chiefs<sup>9</sup> and believed that Africans regarded them as such. But they did more than assume powers of the African chiefs. They also delegated these powers to planters. This delegation of powers was contingent on mutual interests between the two actors. The Administration needed tax from Africans while the planter controlled the source of money. Since the Administration had resolved to develop the country through the agency of the European planter, and the European planter was short of labour, the two players collaborated to make the two policies work.

<sup>5</sup> Life and Work in B.C.A., Dec., 1891, p 3.

<sup>6</sup> Life and Work in B.C.A., October, 1891, p 3.

<sup>7</sup> Life and Work in B.C.A., August, 1892, p 2.

<sup>8</sup> Life and Work in B.C.A., June, 1892, p 1, and October, 1892, p 1.

<sup>9</sup> For the mention of the assumption of powers of chiefs by the Administration see Eric Smith's, Report on Direct Taxation of Natives in the Nyasaland Protectorate and other cognate Matters, London, C.A.C., 1937, p 4.

By June, 1895, there was already an exchange of services between them. The Administration made labour facilities available to the planter, while the planter assumed the role of the tax collector on his estate.<sup>10</sup> The planter was better placed in this position than the Revenue Collector because he was directly in control of the African labourer and could with-hold part of his wages and transmit it to the Revenue Collector.<sup>11</sup> But the Revenue Collector was better placed than the planter in the recruitment of labour.

However, the deficiency of the administrative framework as an instrument of tax collection among Africans was not fully met by this arrangement since only few people at a time could be employed and taxed as they earned their wages. The vast majority of potential tax-payers had to be followed to their villages by messengers and police from the administrative centre. Besides, villagers found difficulty in meeting the planters' demand for labour because the peak season (November to March) for such demand coincided with the time when villagers were attending to their own gardens.

However, these deficiencies were advantageous to planters who strengthened their position. For by March 1900 they were already pressing the Administration to induce Africans to work in one of the industries by raising tax for those who had no proof that they had worked for at least one month.<sup>12</sup> The Administration succumbed to such pressures and introduced labour certificates to be produced by Africans when requested to do so by tax collectors.

The growth of the power of the planter started when he got legal possession of land. Since then he consolidated it by organising

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<sup>10</sup> This is implied in A.C. Simpson's article in L. & W. in B.C.A., June, 1895, p 6.

<sup>11</sup> *ibid.*

<sup>12</sup> Life and Work in B.C.A., Sept., 1892, p 3.

himself. He started organising himself as early as August, 1892, when he formed the Planters' Association<sup>13</sup> which, however, was short-lived due to schisms within the ranks of its members. But the division did not last long either, for by October, 1895, he re-asserted his solidarity by forming the Chamber of Agriculture and Commerce<sup>14</sup> which lived to influence constitutional changes in the country.

In February, 1902, the United Kingdom Government issued the British Central Africa Order in Council which gave powers to the Commissioner to define boundaries and divide the country into Provinces and Districts. But it did not provide for any kind of legislature in the country. All legislation was done by the Commissioner. It was the settler-planter who first raised the question of the provision of some form of legislature in the Protectorate. Sir Alfred Sharpe did not object to the establishment of Legislative and Executive Councils on Crown Colony lines, which would utilise the opinion of the settler-planter in the law-making process.<sup>15</sup>

The Foreign Office did not object either. Instead, they prepared draft instruments on the lines drawn for East Africa. In 1907 the Nyasaland Order in Council was issued and this gave powers to the Commissioner, now named Governor, to form the Legislative and Executive Councils. The first was to advise him on what laws to make while the second was to implement his Orders. By the same Order British Central Africa became Nyasaland as requested by the settler-planter, and the Deputy Commissioner became Chief Secretary to the Government.<sup>16</sup>

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<sup>13</sup> Life and Work in B.C.A., Sept., 1892, p 3.

<sup>14</sup> Life and Work in B.C.A., Oct., 1895, p 5.

<sup>15</sup> Sharpe to CO, 28.2.1907, in CO 525/10764

<sup>16</sup> Murray, (1932), op. cit., pp 110-11.

When the Governor formed his Legislative Council in 1907 he nominated unofficial members from the community of planters to sit on it. It was from this powerful position in the Legislative Council manned by Civil Servants and European planters that the Chamber of Agriculture and Commerce influenced the shaping of a subsidiary administrative system of villages in Malawi.

The problem of direct taxation of the African population was instrumental to the inauguration of the policy of concentrated huts. Despite the fact that Johnston had contemplated that stipended African chiefs in areas other than Blantyre and Zomba would be collecting tax<sup>17</sup> and despite the fact that during the early days of the establishment of administration some chiefs were recognised,<sup>18</sup> the situation was different during the first half of the first decade of the twentieth century. The Administration held the view that the African chief had been so weakened that he could no longer command the respect of his followers.<sup>19</sup> At the same time they were alarmed by the process of group segmentation. Eventually they decided to compromise with the need to work through the traditional leader once again.

#### Policy of concentrated huts:

It was in 1910 when the Nyasaland Government introduced the Village Regulation Ordinance in the Legislative Council. This Ordinance provided for the creation of village areas and a position of a Government-appointed Village Headman per area.<sup>20</sup> But this was only a prelude

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<sup>17</sup> Report on Direct Taxation, 1937, op. cit., p 4.

<sup>18</sup> Lord Hailey, An African Survey: A Study of Problems Arising in Africa South of the Sahara, O.U.P., 1938, pp 462-3

<sup>19</sup> Report on Trade and General Conditions in B.C.A. 1903-04, 12.4.04, in CO 525/1/179517, p 645.

<sup>20</sup> Murray, (1932), op. cit., pp 129-30.

to the creation of the village system of administration which came into effect in 1912 when Sir William Manning's administration introduced the District Administration (Native) Ordinance which provided for the consolidation of village areas into administrative sections and the creation of a position of a Government-appointed Principal Headman per administrative section. The position of a Village Headman was retained, and both the Principal Headman and Village Headman were responsible to the District Resident whose title changed to that of District Commissioner.

In addition to providing for the administrative framework of villages, the Ordinance also led to the formation of sectional councils which would consist of three councillors each, namely: the Principal Headman and two Councillors selected from Village Headmen in the administrative section. The selection would be made by the District Commissioner, with the approval of the Governor; and their meetings would be presided over and directed by the District Commissioner.

That the aim of the Ordinance was to put a stop to the process of group segmentation was made clear in the 1913-14 annual report. There it is stated that the Ordinance was intended to remove many of the administrative difficulties attendant on social segmentation.<sup>21</sup> And two of the administrative difficulties mentioned in the report were the collection of hut tax and the recruitment of carriers for the military personnel.<sup>22</sup> The Government had no intention to transfer any appreciable degree of authority to traditional leaders. Indeed, both the Principal Headman and Village Headman were to serve as mere channels of

<sup>21</sup> Colonial Annual Reports, 1913-14, No. 832, London, H.M.S.O., p 34.

<sup>22</sup> Colonial Annual Reports, 1916-17, No. 955, London, H.M.S.O., p 7.

communication between the Government and the African citizen. It was the District Commissioner who would be issuing orders to traditional leaders who would be explaining them to their people and seeing to it that they were carried out.

In specific terms, the duties of Principal Headmen and Village Headmen fell into two categories: those pertaining to the maintenance of law and order, and those concerning the improvement of the general welfare of their following. The first category consisted of duties which ranged from the exertion of headmen's influence on their people to accelerate the payment of hut tax; reporting crime to the District Commissioner; apprehending criminals; and securing the attendance of the African citizens at the Magistrate's Court should their presence be required in connection with deceased estates, remittances and Government labour.<sup>23</sup>

As for the general matters of welfare, emphasis was placed on the need to concentrate huts into organised villages, to clear roads which would link villages to one another, to enforce sanitary rules and to control movements of cattle. Principal Headmen also had some judicial authority even though their courts were not given any statutory position. But no such judicial authority was to be exerted by Village Headmen although the District Commissioner could use them as assessors.<sup>24</sup>

It is, therefore, plain that what the Government had set out to establish was a consolidated relation of dominance between them and villagers. But European planters were opposed to this change, not because it relegated traditional leaders to subordinate positions,

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<sup>23</sup> Murray, (1932), op. cit., pp 129-30.

<sup>24</sup> Lord Hailey, op. cit., p 463.



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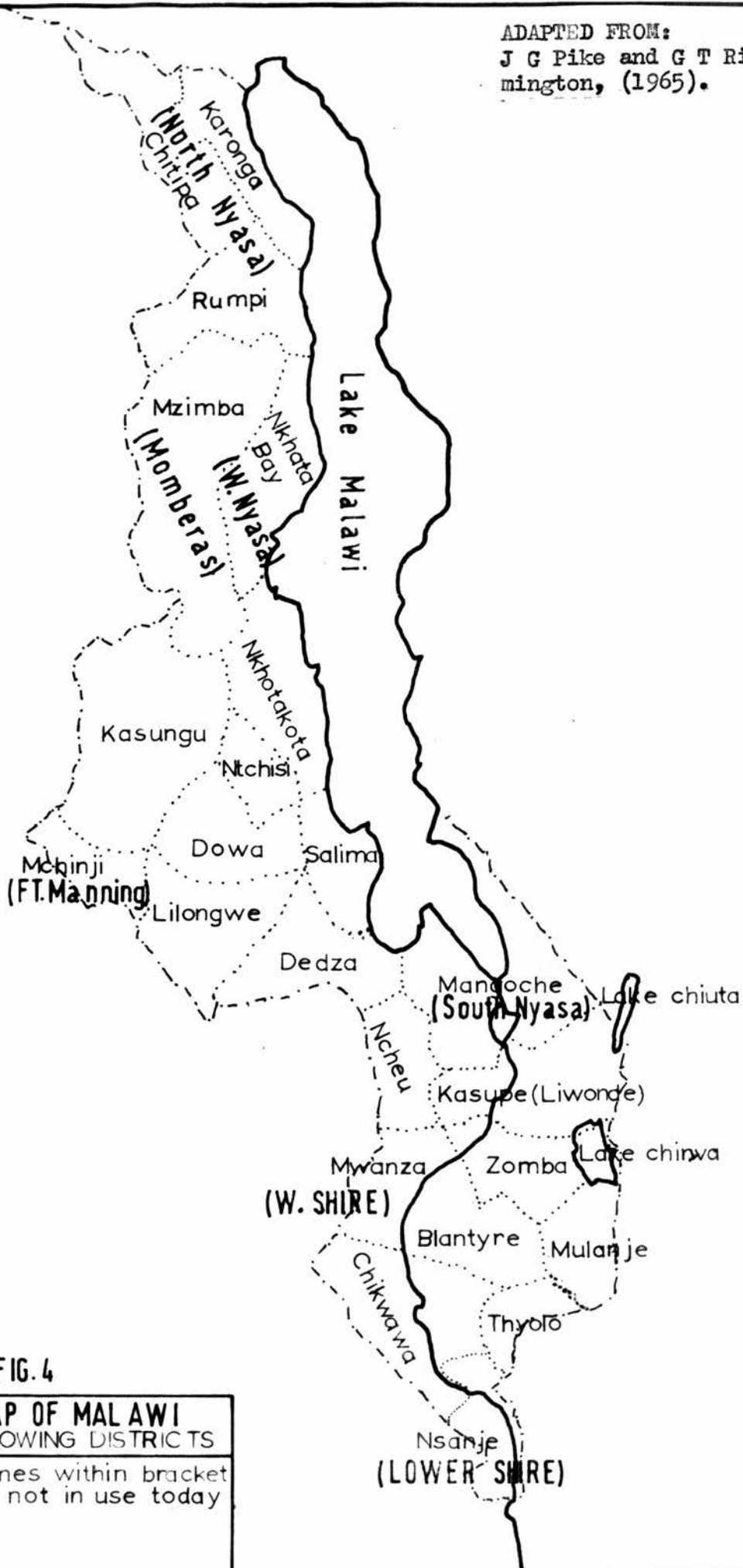


FIG. 4

MAP OF MALAWI  
SHOWING DISTRICTS

Names within bracket  
are not in use today

but because it did less than they had wished. Much as they might have seen the need for the Government to improve its machinery for tax collection by organising the hut tax payer, they also feared what effects such organisation would have on their relationship with Africans who resided on private agricultural estates. The Government had to compromise on this objection by delaying the application of the Ordinance to Districts in the Shire Highlands where most of the land was being held by private planters.

The application of the Ordinance was gradual. It started on the 31st of May, 1913, when it was applied to Lower Shire, West Shire, Ncheu, Lilongwe, Nkhota-Kota, and North Nyasa Districts. Then the Government proceeded to apply it to Liwonde on the 20th of July, 1914; to Fort Manning on the 23rd of October, 1914; to Dedza in September, 1915; to Momberas on the 31st of December, 1915; to Ngara on the 29th of September, 1916, to West Nyasa on the 2nd of April, 1917; to South Nyasa on the 29th of May, 1917; and to Ruo on the 7th of February, 1919.<sup>25</sup>

In 1919 when the Government took up the question of applying the Ordinance to the Shire Highlands the Chamber of Agriculture and Commerce sent a deputation to the Governor to protest against the proposal. This time the whole policy of applying the Ordinance both to private agricultural estates as well as to Crown lands was opposed. The argument of the deputation was basically that traditional leaders wielded no authority and commanded no respect from villagers, and that Europeans' control over Africans on private agricultural estates would be taken away by Headmen and that this would generate conflict.<sup>26</sup>

The outcome of this meeting was an agreement between the Governor and the deputation from the Chamber of Agriculture and Commerce that

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<sup>25</sup> Murray, (1932), op. cit., p 133.

<sup>26</sup> ibid., p 134.

agricultural estate owners should, when desired, be given power to assume the duties of Principal Headmen and that Village Headmen on agricultural estates would have their powers modified in some particulars to meet the circumstances of the case.<sup>27</sup> The deputation also succeeded in delaying the application of the Ordinance to Districts in the Shire Highlands until 1924.

Meanwhile the Government re-thought its policy and considered the possibility of giving more powers to Principal Headmen and Village Headmen. In 1922 a bill was drafted to amend the 1912 Ordinance, and the proposed draft made provision for giving powers to Headmen to use forced labour for the provision of essential services in villages.<sup>28</sup> The Chamber of Agriculture and Commerce responded by sending a memorandum to the Acting Governor, Charles Bowring, protesting against the bill. They argued that they did not see any necessity in the bill since the country had reached the stage at which it was without resorting to the bill; they felt that it was unfair to call upon the Africans to do compulsory work under the directions of government agents when they (the Africans) paid taxes and when it was estimated that they would be paying more than half the total revenue of the country; and they particularly objected to the extension of the Ordinance to privately-owned agricultural estates without being consulted in the appointment of Village Headmen.<sup>29</sup>

The Acting Governor had anticipated this opposition in his despatch to the Colonial Office.<sup>30</sup> in which he wrote that mission bodies would

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<sup>27</sup> *ibid.*, p 135.

<sup>28</sup> Charles Bowring to CO, 9.8.1923, in CO 525/Despatch 361

<sup>29</sup> Charles Bowring to CO, 26.3.1924, in CO 525/107/19260

<sup>30</sup> Charles Bowring to CO, 19.9.1923, in CO 525/361

object to compulsory labour as a matter of principle, whereas owners of private agricultural estates would do so for fear that there might be possible interference with their labour supply. In 1924 he commented on the objections of the Nyasaland Chamber of Agriculture and Commerce to compulsory labour. He expressed concern that conditions under which Africans lived had never changed and wanted the improvement of these conditions to be one of the aims of the Administration. But he felt that such improvements would never be brought about until the African was compelled to work under supervision to improve village conditions. He dismissed the planters' hypocrisy in the following words:

I regret to feel compelled to add that I am unable to regard as genuine the opposition of the Chamber to the compulsory clauses. Rather I do fear that many of the Europeans are opposed to any steps which the Government may take to educate the Native or to improve his condition because of their fear that the Native will no longer be content to labour on European plantations for the very low rate of wage which is now offered. They fail to recognise either that the Government has a duty to the Native as well as to the European or that here as elsewhere conditions cannot remain as they are and that the Native as he emerges from his primitive state will seek employment elsewhere unless conditions are made sufficiently attractive to keep him in his own country. <sup>31</sup>

It may be appropriate at this point to digress from the theme and note the contradiction of the colonial situation. First, the need for the development of economic conditions which hindered the advancement of Africans is beyond dispute. But the method which the Government wanted to adopt is certainly objectionable in principle. Yet, the fact that this objection should have been raised by the European planters, who, as it has been demonstrated in the last chapter, used to force Africans

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<sup>31</sup> Charles Bowring to CO, 26.3.1924, in CO 525/107/19260

resident on their estates to work for them justifies the Acting Governor's disregard of their opposition.

Nevertheless, the Acting Governor withdrew the bill in 1923<sup>32</sup> because Provincial Commissioners, who had been in existence since 1921,<sup>33</sup> had also made representations to him against conferring powers on Principal Headmen. They had also argued that the Principal Headmen had limited influence in their administrative sections, that they lacked initiative, and that they were illiterate. This made the Acting Governor opt for the village, and not the administrative section, as the unit of local administration. In 1924 he ordered for the drafting of a new bill which retained the same system of village areas and leadership positions as that provided for in the 1912 Ordinances. But the new bill also provided for the creation of village councils so as to let Village Headmen be assisted by Councillors. The other innovation of the bill was the establishment of village and section courts which would settle traditional other than criminal cases.

However, the policy to enhance the status of the Village Headman instead of that of the Principal Headman was temporary. The Government was still bent on its original plan to create a tribal system of administration. This assertion is sustained by the same bill of 1924 which pacified principal Headmen by providing for the formation of District Councils on which all Principal Headmen in a District would sit under the chairmanship of the District Commissioner who would also continue to preside over their section councils as well.<sup>34</sup>

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<sup>32</sup> Charles Bowring to CO, 19.9.1923, in CO 525/ Despatch 361

<sup>33</sup> Charles Bowring to CO, 7.11.1924, in CO 525/27448; & S.S. Murray's Handbook of Nyasaland, (1922) p 62.

<sup>34</sup> Annual Report, 1924, in CO 525/1/111, 20.5.1925, p 437.

After a few years since the creation of the District Councils of Chiefs, the Government proceeded with its policy. By 1930 Administrative Officers in the Protectorate had started to consider the question of introducing indirect rule modelled on the system of village administration in Tanganyika. This would involve the transfer of considerable administrative authority from the District Commissioner to traditional authorities.

Towards the end of 1930 the Government sent Mr. Aplin, a Senior Administrative Officer, to Tanganyika to study various forms of indirect rule and to consider the extent to which the Tanganyika model could be introduced into the Protectorate of Nyasaland. In 1931 Mr. Aplin issued his optimistic report which led the administration to decide on a policy of gradual inauguration of indirect rule.<sup>35</sup> When this came to be inaugurated it turned out to be 'local self-government' an examination of which forms the subject of study in the following section.

#### Policy of local self-government:

The actual inauguration of indirect rule in the Protectorate was done by Sir Hubert Young who did not share the view of his predecessor, Sir T.S.W. Thomas, that such rule should be built on the tribal system as it had been done in Tanganyika.<sup>36</sup> So, when he was inaugurating the new system in 1933 Sir Hubert chose to call it local self-government other than indirect rule.<sup>37</sup> The administrative significance of the difference in terminology centres on the degree of authority transferred from the District Commissioner to traditional leaders. On the one hand local self-government has been defined as the administration of purely

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<sup>35</sup> Nyasaland Protectorate, Annual Report Upon Native Affairs, 1931, London, C.A.C., 1932, pp 2-4.

<sup>36</sup> Barnekov, T.K.: An Inquiry into the Development of Native Administration in Nyasaland, 1888-1939, Occasional paper for S.U.P. of E.A.S., 1967, p 69.

<sup>37</sup> Hubert Young to CO. 3.2.1933, in CO 525/148/5342, p 79.



local affairs, while on the other hand indirect rule means supervised executive self-government.<sup>38</sup>

Local self-government in this sense was a mere aspect of the asymmetrical system of administration which grew after the inauguration of the Native Authority Ordinance in 1933. According to this system, the responsibility over matters pertaining to the maintenance of law and order and to the collection of poll tax remained with the District Commissioner; but Native Authorities were expected to assist the District Commissioner in the performance of these duties. On the other hand, the responsibility over duties concerning the improvement of the general welfare of villagers was given to Native Authorities. It was this division of tasks between the central and local wings of administration which differentiated indirect rule in Nyasaland from that of other African territories under British rule.<sup>39</sup>

Sir Hubert defended his choice of local self-government by arguing that in Nyasaland the tribal structure had long been weakened by British conquest, immigration of alien Africans, missionary influence, the returning of labour migrants and the alienation of land to non-Africans.<sup>40</sup> But this was only a manner of expressing the point that the Government was not prepared to show any sign of willingness to share power with Africans, for what followed after the policy of local

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<sup>38</sup> Annual Report on the Social and Economic Progress of the People of Nyasaland, 1938, No. 1902, London, H.M.S.O., 1939, pp 33 & 151.

<sup>39</sup> Abraham, J.C., Memorandum on Native Administration, 1937, in CO 525/44176, p 10.

<sup>40</sup> Hubert Young to CO, 3.2.1933, in CO 525/148/5342, pp 79-80.

self-government had been decided upon was the building of strong tribal systems.<sup>41</sup>

Sir Hubert's choice of Native Authorities provided for in the 1933 Native Authority Ordinance supports the view that even his modified version of indirect rule worked in favour of building up tribal systems, but which fell short of entrusting responsibility on traditional leaders. He chose his Native Authorities mainly from those who had been Principal Headmen, and these had earlier been chosen from those leaders who had been believed to have wielded authority over their people.

Nevertheless, the inauguration of local self-government in 1933 was a remarkable change in that a systematic hierarchical arrangement of positions clearly defined the relationship between villages and administrative sections, and between Village Headmen and Native Authorities. In this definition of relationships the Village Headman became responsible to his respective Native Authority who, in his turn, was responsible to the District Commissioner.

However, the village system of administration was itself a limiting factor to the growth of modernisation of the traditional aspect of the system. Native Authorities had limited responsibilities, and the extent of this limitation can be discerned from the analysis of powers which were given to them. These included executive, judicial, financial and legislative powers.

To take executive powers first. Native Authorities were to issue orders, subject to law that was in force as well as to the directions of the Governor, to be obeyed by the African citizen in villages within

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<sup>41</sup> Cf. Report of Commission Appointed to Inquire into the Financial Position and Further Development of Nyasaland, by R.D. Bell, H.M.S.O., 1938, pp 32-3.

the jurisdiction of the Authority.<sup>42</sup> The basic form which these orders took were prohibition, regulation and restriction of activities like the production, distribution and consumption of intoxicating liquor; gambling; possession and carrying of arms; destruction of forests; migration of people; and movement of livestock. Native Authorities were also empowered to prevent their people from polluting water in general, from obstructing stream water, and from spreading disease of a contagious and infectious nature, report criminals, deaths and births, and to cultivate enough land and grow food for subsistence. Above all, they were expected to enforce lawful instructions from Provincial and District Commissioners.

This wide range of executive duties was performed by Native Authorities in their capacity as assistants to their respective District Commissioners. It is, however, in the judicial and financial functions that one may look for the basis of local self-government. Since 1891 traditional courts had been settling disputes among indigenous people; but they were not given legal sanction until 1931 when the District Administration (Native Courts) Ordinance provided for the establishment of the legally sanctioned courts.<sup>43</sup> These courts, however, had limited criminal and civil jurisdiction in that they would only settle less important disputes among villagers, disputes which did not readily fall within the scope of British Law.<sup>44</sup>

As for finance, the Native Authority Ordinance forbade traditional

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<sup>42</sup> Annual Report of the Native Welfare Committee for the year ending 31st December, 1937, Government Printer, Zomba, 1938, p. 12, in CO 525/44176

<sup>43</sup> Annual Report upon native affairs, 1931, Crown Agents for the Colonies, London, 1932. p 6.

<sup>44</sup> Annual Report of N.W.C.....1937, p 13.

leaders to exercise power over the administration of Government revenue and services. It merely provided for specific expenditure by them from local rates and dues the collection of which was, however, also subject to prior approval by the Government. And in a revealing statement it is said that the administration only tended to look for a high standard in the Native Authorities but with-held responsibility because they believed that chiefs with standards which might be expected in the best sections of English public life could not be found.<sup>45</sup>

Hence, from the point of view of the judicial and financial functions the system of local self-government was not geared to developing traditional leadership. And this is also true if the developmental process is perceived from the perspective of the legislative function of Native Authorities. The definition of executive duties - to prohibit or require to be done - provided a framework within which legislation could be done by Native Authorities. They were to perform this function by means of issuing rules which would in the end amount to prohibition, regulation and restriction of certain activities which were considered to be repugnant to colonial morality. But as long as this function was performed by Native Authorities, it was considered to be issuing from local self-government.

As for the European planters, this subordination of traditional leadership was seen differently. Through their representatives in the Legislative Council they voiced their concern when the proposed Native Authority Ordinance was being discussed at the committee stage. They urged for the exclusion of private estates from the operation of sections of the bill which gave powers to traditional leaders to prohibit, restrict or regulate the use of natural resources, and the

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<sup>45</sup> *ibid.*, p 12.

movement of Africans resident on private estates, as well as the movement of livestock belonging to Africans in these estates.<sup>46</sup>

The concession made by the administration was in the form of an assurance made by the Governor, Sir Hubert, that concurrently with the coming into force of the Ordinance he was prepared to issue instructions to District Commissioners to ensure that before issuing any order to Africans living on private estates, the consent of the estate owner would be sought. Such instructions were eventually issued by an Acting Chief Secretary who wrote:

I am to inform you that it should be made clear to native authorities that where private estates are concerned no order should be issued under section 8 (e), (f), (j), (l), (n) and (p) and section 9 (i) (a), (b) and (c), unless it has first been ascertained that the owner or occupier of the estate has no objection to such order, and that when action is taken under sections 6, 7 or 8, the owner or occupier should be informed of such action as soon as possible in all cases where it may be desirable, and that generally extreme care should be exercised in order to avoid undue interference with the legitimate interests of non-natives. <sup>47</sup>

The press, which represented the interests of European settlers, also reacted against the introduction of the Ordinance. It appealed to its readers to judge for themselves whether the country was to become a purely African state, whether any scheme of union with the Rhodesias had been prejudiced, or whether with the passing of the Native Authority and Native Courts Bills the dual policy would continue to operate as successfully as it had in the past.<sup>48</sup>

The result of this opposition by settlers and the response from the Government was an extreme reduction of traditional authority on private estates in southern Malawi. On the one hand, District Commissioners

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<sup>46</sup> K.L. Hall to Secretary of State for the Colonies, 17.6.1933, in CO 525/150/5412.

<sup>47</sup> Circular No. 9, A.G.O. Hodgson to all Provincial Commissioners, 29.6.1933, in CO 525/150.

<sup>48</sup> The Nyasaland Times, Friday, June 9, 1933, in CO 525/150/5412.

remained the effective sources of administrative authority, for they still controlled District Councils of Chiefs whose meetings they presided over. Indeed, no significant change took place in the system of councils until 1944 when it was inaugurated at a Provincial level.<sup>49</sup> On the other hand the day to day control of Africans remained the responsibility of the estate owner or his representative.

But the response of traditional leaders was favourable to this new situation. The Government interpreted this response as the revival of the tribal spirit. Yet, it was only the revival of the process of segmentation awakened by competition among traditional leaders for Government recognition. Competitors justified their claim to positions of leadership in terms of an ideology which postulated a tradition of territorial paramount chiefs.<sup>50</sup> There were far too many of those who could make effective claims while the Government could only select few of them. But where influential chiefs had not been drafted into the native authority system they became an administrative problem to chiefs under whose authority they came to be placed;<sup>51</sup> and this problem made it difficult for Native Authorities to function without the active support of these unrecognised chiefs.

This competition among traditional leaders added to their already weak position in that as they were vying for the top-most position in their subordinate system of administration, they rendered the position of the Village Headman useless. The administration became increasingly

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<sup>49</sup> Colonial Annual Report, 1946, p 58.

<sup>50</sup> Mlanje District Report for 1936, quoted in Report on Financial and Further Development, 1938, op. cit. pp 32-3.

<sup>51</sup> *ibid.*, p. 34.



dissatisfied with the ability of Village Headmen to cope with what were felt to be the increasing demand and responsibilities of the native authority system. This was picked up by the Government to rationalise their subsequent policy to establish Group Councils to replace the Village Headman. It was in 1950 when this policy was first implemented and this coincided with the establishment of statutory councils of chiefs consisting of all Native Authorities in a District.<sup>52</sup>

In 1953 the administrative process of change was caught up in a wider and more complex political process of change in Central Africa as a whole. For it was in August of this year when the now-defunct Federation of Rhodesia and Nyasaland was created by an Act of British Parliament. In December of the same year the Nyasaland Protectorate Government hooked the system of councils to the federal framework when they enacted the Local Government (District Council) Ordinance 48.<sup>53</sup> This Ordinance created multi-racial District Councils in which, however, the tribal element was retained as chiefs were accorded seats on them.<sup>54</sup> But this tribal element did not play an effective role since traditional leaders were still illiterate or semi-literate so that they would not make any original contribution to debates.

The establishment of the Federation of Rhodesia and Nyasaland was a climax of the planters' contribution to the shaping of local leadership in Malawi. It is clear from the analysis that despite the fact that the administrative system was only intended to reduce local leadership to a subordinate position within the colonial framework, the planter

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<sup>52</sup> Colonial Annual Reports, 1950, London, H.M.S.O., 1951, p 88.

<sup>53</sup> Colonial Annual Reports, 1953, London, H.M.S.O., 1954, pp 154-5; & 'Local Government Legislation in Nyasaland' ...., in Journal of African Administration, 6, 1954, pp 110-14.

<sup>54</sup> Colonial Reports, 1954, London, H.M.S.O., 1955, p 142.

saw it as a way of impeding effective colonisation. It is also clear that traditional leaders became increasingly weakened as their positions changed within this framework. And it is clear that the position of traditional leaders on private estates was weaker than that of their counter-parts on Crown lands.

It was only the rise of nationalism as a unifying force which could save the African from perpetual colonial domination. The formation of the Nyasaland African Congress at the same time as the Government inaugurated the system of Provincial Councils was a remarkable achievement on the part of the Africans.

The emergence of the political party leader has been attributed to the favourable response of traditional leaders to the colonial situation.<sup>55</sup> This response was in the form of assistance which chiefs offered the Colonial Administration in return for a stipend. Having thus accepted to collaborate with a regime which did not seek to work for the development of the African citizens, chiefs lost the confidence of articulate members of their society.

The latter then started to organise themselves into District-based pressure groups which, in 1943, became the foundation of the Nyasaland African Congress.<sup>56</sup> When the N.A.C. was proscribed by the Government in March, 1959, it had already established roots in rural Malawi so that when it was revived as the Malawi Congress Party in 1960 its popularity among its supporters was undisputable.

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<sup>55</sup> Tangri, R.: 'Inter-war Native Associations and the Formation of the Nyasaland Congress', Transafrica Journal of History, 1, 1, January, 1971, p 86.

<sup>56</sup> For a detailed account of the evolution of the party system see R.I. Rotberg's, The Rise of Nationalism in Central Africa: The Making of Zambia and Malawi, 1873-1964, O.U.P., 1966, pp 116-124, and J. Van Velsen's 'Some Early Pressure Groups in Malawi', in Stokes and Brown (eds.), The Zambesian Past, op. cit., pp 376-411.

The popularity of political party leadership arose from the fact that it sought to improve conditions under which Africans lived. From 1912 when the first Native Association was formed to 1943 this leadership aimed to achieve its goal through the existing colonial framework. It was after they had failed to influence the Government that they challenged its paternalistic authority and sought to run their own affairs.

But during all this time tribal systems were being constructed by the Government with the approval of chiefs who saw some benefit in those systems. They were not daunted by the rise of nationalism either. They dealt with it by adopting the strategy of appointing articulate Africans to sit on the Provincial Councils of Chiefs under the chairmanship of Provincial Commissioners.

In 1946 they accelerated the construction of the system of councils of Chiefs by inaugurating the African Protectorate Council to which the articulate African was again appointed. This last council consisted of twenty members drawn from the three Provincial Councils, and its meetings were presided over by the Chief Secretary until 1949 when the Secretary for African Affairs assumed duties of the chairman.<sup>57</sup> With effect from 1949 when the first three Africans were appointed to sit on the Legislative Council the Protectorate Council was given the responsibility to nominate candidates for appointment by the Governor.

However, leaders of the newly formed National Congress were quick to understand the way the Government was playing its game. They rejected Government claims that the Protectorate and Provincial Councils were representative of African opinion, but treated them as representative of Native Authorities and their respective local administrations.<sup>58</sup>

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<sup>57</sup> Colonial Annual Report, 1948, p 57.

<sup>58</sup> H.K. Banda to Creech Jones, 14.6.1946, in CO 525/199/44379, pp 5-6.

To recapitulate the argument. This chapter has characterised a paradoxical relationship between the Government and the community of European planters in colonial Malawi. It has been argued that although the Government was the source of decisions to change positions of traditional leaders, planters had political power based on their economic position in the country. As it was shown in the second chapter, the planters effectively opposed the Government's land policy. In the third chapter it was demonstrated how they interacted with the Government on the question of the position of Africans residing on privately-owned agricultural estates. And in this chapter it has been demonstrated how they influenced the establishment of a subservient system of village administration.

What remains to be demonstrated is how these changes converge on to Chingale. The next chapter sets out to do this.

CHAPTER FIVEHISTORICAL PROCESSES IN CHINGALE

So far, the last three chapters have outlined a general historical framework within which this chapter seeks to elaborate a theory emerging from historical processes in Chingale. The historical framework in question explained changes in the system of traditional leadership in terms of changes in the system of land tenure. These changes involved the transfer of control over the disposal of land from Africans to Europeans, and the corresponding transfer of political power based on the control of land as an economic source of production.

It has been demonstrated that after this transfer of political power, European planters used it to check liberal tendencies on the side of the Protectorate Government to safeguard African land rights, regularise the relationship between European planters and Africans who lived on plantations, and recognise traditional leaders for administrative purposes. The result of this pressure of planters on the Government was that the Africans in general did not participate in the development of their country except as labourers, the legal method to solve an economic problem failed and a partial solution was found in the form of the evacuation of Africans from plantations to Chingale, and the subsidiary administrative system of villages and native authorities bore the stamp of the planters' influence in that traditional leaders on agricultural estates enjoyed less authority than their counterparts on Crown land.

Besides elaborating the theory of historical processes in Chingale, this chapter will also attempt to assess the extent to which the systems

of land tenure and leadership in the area were affected by changes characterised in the general historical framework. That is to say, evidence from Chingale will be used to support the main arguments of the preceding chapters. But this second aim should not be viewed as though it is mutually separated from the first one. On the contrary, the two are interdependent and will here be achieved simultaneously.

It is however worth bearing in mind that the theoretical aspect of this chapter derives from its reliance on oral testimonies from respondents in Chingale. They were collected in response to what Jan Vansina<sup>1</sup> has referred to as "invitations to provide information" on the history of Chingale. From these testimonies emerges a system of oppositions between Village Headmen. They serve to demonstrate that social change does not destroy social structure, but makes it complex as it introduces alternative principles of social organisation. For example, evidence from Chingale shows that the system of land tenure has changed from communal ownership to individual ownership, and then back to communal ownership; but the corresponding system of traditional leadership, at least at the level of ideas, has not altered. The system of ranking between leaders goes on despite the egalitarian nature of the new system of administrative villages. But this ranking is no longer done only on the basis of opposition between junior and senior members of the same ethnic group, but also between new and old settlers in the area. The co-existence between members of different ethnic groups also provides an alternative principle of social organisation in so far as history shows that one group had subdued the other and on the basis of this claims

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<sup>1</sup> Vansina, J., Oral Traditions: A Study in Historical Methodology, London, Routledge and Kegan Paul, 1965, p. 30.



superiority over the erstwhile subdued group. And the emergence of the political party system adds to the complexity of social structure as it provides another principle of organisation. The interaction of these principles makes the social structure self-contradictory and ambiguous.

It may be noted in passing that this contradictory character of social structure is not confined to Chingale. In fact, the colonial situation as it has been characterised in the last three chapters exhibited a structure of contradiction even though it expressed itself in a different form as it concerned the operation of the system of capitalist economics. It is even possible that as change continues to take place the structure of contradiction will continue with it. It is not, however, the aim of this study to predict what will happen in future but to analyse the relationship between land tenure and political changes to which the rest of this chapter now turns.

#### On land tenure:

It is convenient to divide the history of land tenure in Chingale into two periods: that covering the period prior to 1891, and that covering the period between 1891 and 1948. This scheme is in conformity with the general framework outlined in the preceding chapters rather than that which emerges from oral testimonies which reckon time when an event took place in terms of other events, leaving it to the inquirer to find it for himself when events he is inquiring into occurred.

The history which refers to the period before 1891 has already been outlined in the second chapter. It was about the movements of

warring ethnic groups who converged on Chingale as a battle field. It was argued then that because of these movements it was difficult to determine the criterion on which any one of the groups could claim exclusive ownership over land in the area without being challenged by members of other ethnic groups who would use a different criterion to justify their counter-claims.

Oral testimonies from Chingale support this thesis. For example, in an attempt to prove that he was not wakudza (new settler) into the area, Group Village Headman Mbukwite had this to say:

I am an early settler in this area because my makolo (ancestor) came long before the arrival of Europeans. His original home was in Kapingintiwa, which is at Nyango in Portuguese East Africa. He accompanied Chief Mlumbe on whose side he fought his way down here.

When he came to this area he first settled together with Chief Mlumbe at Chinduzi in Kasupe District. The people they found here were Mang'anja under Kuphimbi who was on the western bank of River Shire, and his son Kumchela on the eastern bank in Chingale. Kumwinje and Maseso, other Mang'anja chiefs, were also in the area.

At the same time there was also a Lomwe man called Zinezo who settled at Lisanjala on the eastern bank of Shire. He was a hunter from Mozambique. In Chingale he hunted elephants whose tusks he sold to Portuguese people in Mozambique.

He built a fence (or guta) at the confluence of Lisanjala and Shire Rivers. This fence had one gate facing east and was guarded day and night by his fighters.

While at Chinduzi, Mlumbe used to go hunting. One day he did not return from the hunt and his brother Mkanda looked for him in vain. As a result, Mkanda, now known as Mlumbe, decided to move away from Chinduzi and went to settle at Mwinje hill here in Chingale.

My ancestor, Mbewe, moved together with him. But they briefly stayed at Mwinje and left for Zomba mountain where they fought and defeated Mang'anja people under the leadership of Nyani. They finally settled on the mountain.

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<sup>2</sup> All field research was conducted in Chichewa language. The translation of oral testimonies from Chichewa into English was done on the spot. But they have been edited to fit into the framework of analysis adopted in this study.

After some time Mlumbe decided to send my ancestor down to Chingale and settle there. He did this to show his gratitude to my ancestor for having tenaciously fought on his side. So, Mbewe left the mountain for Chingale and settled at Misenjele.

But he did not stay long. He was driven out of the area by Kuphimbi. The incident began when my ancestor brewed beer and invited Kuphimbi to come and drink with him. Kuphimbi came with a party of young men. During the course of drinking young men from the side of Mbewe insulted Kuphimbi and his party and the latter left the beer party, annoyed. But they shortly came back to Misenjele with force and chased my ancestor back to the mountain where he was welcomed by Mlumbe.

However, Mbewe did not stay long on the mountain. He decided to go and live with Chief Liwonde on Shire River, north of Chingale. Yet, he did not stay there long either. He got scared when he learnt that Liwonde used to eat people during the day and decided to leave him for Chingale despite threats from Liwonde that deserters would be devoured by lions on the way.

When he reached Chingale, Mbewe sought for shelter in Zinezo's fence. His aim was to settle in the land given to him by Mlumbe.

When narrating this story the respondent was claiming authority over the distribution of land in the area on the basis that his makolo were sent to settle in the area by Chief Mlumbe who is the final authority over land matters in his chiefdom, of which Chingale is an integral part. But the respondent also makes the point that the Mang'anja people are the traditional owners of the land because Mlumbe and Mbewe found them there under the leadership of Kuphimbi and Kumchela. From this contradiction emerges the ambiguous system of land tenure.

Although the testimony presented above is not the only authentic history of Chingale, the theme in it recurs in other testimonies. This theme is about which group came to the area before the other, or who were found in the area and by whom. For example, a brief testimony from Group Village Headman Mkasala narrates that when the Yao

people first went to Chingale, the area was sparsely populated; and that Chief Mlumbe sent the narrator's predecessor to the area to be Group Headman over other headmen.

Village Headman Chiganga is more specific than Mkasala. He says:

The aboriginals of Chingale are Mang'anja people. When the Yao came here they found the Mang'anja under the leadership of Sinosi. Their group consisted of Njowe, Malonga, Chiganga, and Mbira. They chased the Mang'anja people away and drove them to the bank of River Shire while they occupied the land on the foot of Mount Zomba. Europeans came after the Yao had already settled down.

And Mr. Zimbili, a political party leader, also gave an account which reflects the same theme. He said:

The Yao people came here in the 1880s. They found Mang'anja, Makololo, and Ngoni people and fought against them. As a result of this conflict the Mang'anja people and their allies retreated to the bank of River Shire while the Yao occupied the foot of the mountain. Then the Makololo dug a trench around their settlement to protect themselves from the Yao invaders. Since the trench was known as guta, the settlement it surrounded also became Guta.

It will be noted that despite the fact that there is a common theme in these testimonies, there are also some contradictions between some of them. The thesis adopted here is that these contradictions represent social structure at the level of ideas in that respondents report what they have selected from a totality of events and structure these in a way that reveals the underlying system of oppositions in the community.<sup>3</sup>

The fact that the testimonies exemplify this thesis needs no elaborate comment. But it may be worth noting that both Group Village Headmen Mkasala and Mbukwite claim that Chief Mlumbe sent

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<sup>3</sup> cf. Leach, E., Genesis as Myth and Other Essays, London, Jonathan Cape, Ltd., 1969, p. 42. Also, Political Systems of Highland Burma: A Study of Kachin Social Structure, London, G. Bell and Sons, Ltd., 1964, pp 264 - 78. Again compare with Levi-Strauss, C., 'The Bear and the Barber', in the J.R.A.I., Vol., 93, 1963, pp. 2-3.

their predecessors to the area. As it will be shown later, these claims imply opposition between the two leaders over the superiority of the one over the other. Another striking point is the difference between Chiganga's testimony and that of Mbukwite on who led the Yao into the area when they first came there. Chiganga does not mention Mlumbe while Mbukwite does. This is because the group led by Mlumbe and that to which Chiganga belonged came at different times. Yet, the question which remains to be answered is that the area comes under the leader who did not fight the Mang'anja. And this lends support to the thesis that conquest is not a sufficient criterion for defining the system of land tenure.

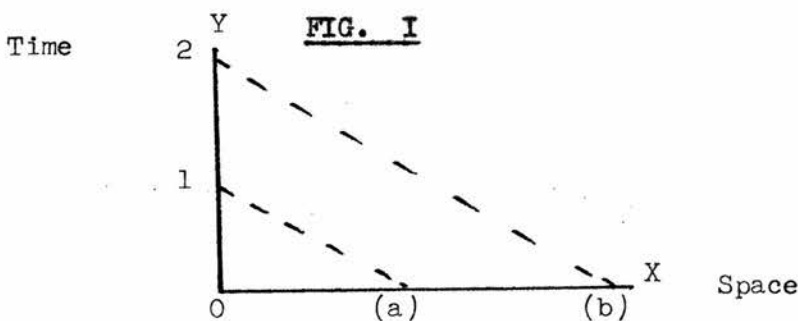
The rest of Mbukwite's testimony exhibits interesting features which support the thesis. One feature of this part of the testimony is the sequence of the inclusion and exclusion from it of reasons why people moved from one place to another. Thus, whereas Mkanda is reported to have left Chinduzi for Mwinje Hill because his brother did not return from where he had gone hunting, no reason is given for the subsequent move to Mount Zomba. Again, the respondent explains why his ancestor left Mount Zomba for Chingale once again, and why he returned to the mountain. But he does not state why the ancestor suddenly decided to go to the chiefdom of Liwonde. And finally he explains that his ancestor left Liwonde because he feared Liwonde might eat him alive as he was renowned for doing this.

Different explanations can be given for these omissions. But what is relevant for this study is the thesis that respondents choose and manipulate historical information to justify their positions. At

the same time when field research was being conducted in Chingale, several cases of land disputes took place, and in these cases competing Village Headmen were engaged in making claims to justify their authority over land. The testimony which Mbukwite gives reflects such claims.

It is also true of other testimonies that they express conflicts among the people of Chingale over land. But the two testimonies of Chiganga and Zimbili, so far referred to, do not have any information about Mlumbe's movements and military activities. The other parts of the testimonies so far collected exhibit similar discrepancies in information, and these also account for what takes place at the empirical level of social interaction which is rife with divisions among people, and conflicts between people of different groups. They further support the view that different people in the same society classify social phenomena differently. In this way it may be justifiable to say that historical information is chaotic, but that it can be sorted and resorted out in any way that the respondent chooses.

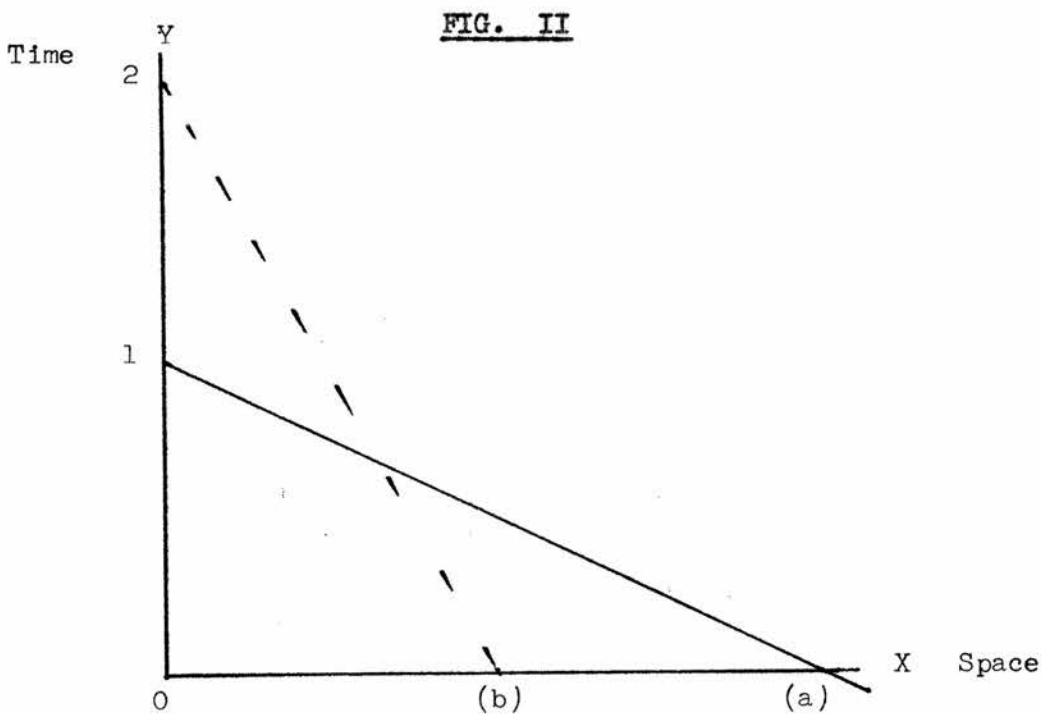
The assertion that Mbukwite's testimony, and also those of Chiganga and Zimbili, reflect social structure is developed elsewhere in this chapter. Meanwhile it may suffice to add that this reflection presents the structure in the reverse direction. It may also be appropriate at this stage to introduce models which graphically illustrate the point by considering the dimensions of time and space. These graphs will be sustaining the point that oral testimonies re-define people's rights over land in terms of the existing situation of conflict among them.





In Fig. I co-ordinate OX stands for space of land in Chingale, while co-ordinate OY stands for a span of time of people's immigration into the area. Symbols (a) and (b) on OX, respectively, stand for boundaries of spaces of land traditionally associated with the Mang'anja and Yao people; while numbers 1 and 2 on OY stand for time when each of the two groups came to occupy that piece of land. 0 stands for time when Chingale was not occupied, and broken lines 1(a) and 2(b) mark the limits within which members of each group may extend their claims over land. At this stage it is assumed that the two groups acknowledge the principle of equality between each other irrespective of whether one came after the other. Accordingly, villages associated with each space of land are distributed over it and can be represented on the OX scale.

However, when the time factor is brought into play, the model depicted in Fig. I becomes transformed into a reversed model presented in Fig. II below.

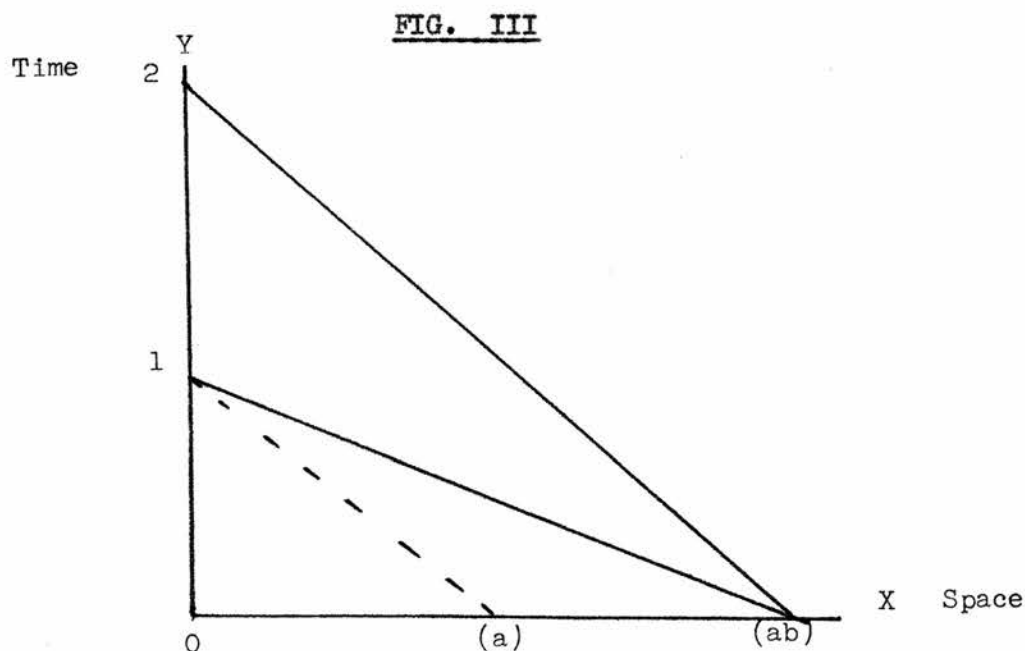


(Situation where one group claims a dominant position over another)

OX and OY still represent space and time respectively. But this time 1(a) is an unbroken line representing (a)'s full claim of the whole area; while 2(b) still stands for (b)'s recognition of the principle

of equality between him and (a) despite the fact that the latter regards (b) as his subordinate who has only been allowed to utilise space  $O(b)$ . But this model is constructed on the assumption that the manner in which (b) came to live side by side with (a) is not considered. This last factor is the military superiority of the Yao people in general during the second half of the 19th century.

Hence, when processes which brought Mang'anja and Yao into a confrontational situation are taken into account, the model which obtains can be represented as in Fig. III.



(Situation where both groups claim dominance over each other)

This model presents an entirely different situation from those presented by each of the first two models. The difference is that in this model broken lines 1(a) and 2(b) still stand as in Fig. I, even though 2(b) is obscured by the unbroken line 2(ab). But in addition to the situation obtained in Fig. I, both (a) and (b) have extended their claims of authority over land to the whole area, and these claims are represented by the unbroken lines 1(ab) and 2(ab), where (a) and (b) coincide on the same point on OX.

Nevertheless, the testimony collected from Mbukwite does not explicitly

allude to the factor of military superiority of the Yao over the Mang'anja people. But what it says mirrors an ambiguous way in which the respondent interprets rules of land distribution in Chingale. On the one hand the testimony presents Mang'anja people as owners of land by virtue of their early settlement in the area; and on the other hand it claims that the same land belongs to Mlumbe who gave it to the respondent's ancestor. And the fact that the respondent's ancestor was defeated by Kuphimbi does not seem to alter his claim of authority over land. The details in the testimony only serve to show how much he knows about the history of the area, a quality which justifies his claim.

Coming now to that history which covers the latter period. It will be recalled that in the second chapter it was mentioned that the system of land tenure changed when Harry Johnston gave individual land titles to European planters and acquired the rest of the land for the British Crown. It was also mentioned that he had claimed land in Chingale and was granted a certificate of claim over it.

Only two testimonies from Chingale deal with this part of history, and what they say is theoretically significant. These testimonies are those of Mbukwite and Chiganga. Again, there is a remarkable difference between the two accounts in that the first gives details which reflect the system of oppositions between local groups, while the second shifts the blame from Africans and pins it on to Europeans. The first account reads as follows:

When Sharrer came to Chingale, he found my ancestor here. He first went to Zinezo to ask for land. But Zinezo advised him to go and ask Kambwili, father of my predecessor, who referred him to Kuphimbi, who sent him to Kumchela, who agreed to sell this land to Sharrer.

Zinezo, having had bitter experience with Portuguese people in

Mozambique, tried to advise Kumchela not to sell his land to Europeans, arguing that Europeans were bad people and that they would eventually turn Africans into slaves. But Kumchela did not heed this piece of advice. Instead, he reported to Sharrer that Zinezo was trying to interfere with the deal between them. In response, Sharrer went to report Zinezo's interference to the Government in Zomba, who arrested and detained Zinezo.

But Zinezo did not stay long in gaol, for he was a clever man. In spite of the fact that he was handcuffed and behind bars, Zinezo got out of prison instantaneously. He did this by transforming himself into lightning, and thus broke prison bars and returned to Lisanjala. But he did not wait for another arrest. Instead, he immediately left for Chigaru and then proceeded to Chikwawa where he spent the rest of his life. He is survived by his son Golden Zinezo who is one of the Village Headmen in Chikwawa.

After Zinezo was out of the way, Sharrer proceeded to buy more land in Chingale from Kuchile, another Mang'anja headman. In the end he owned all land stretching from Chinduzi in the north and Nambawala in the south. Later on the land belonged to B.C.A. of which Sharrer was Manager and Maw was his Agent who collected rent from Africans here.

The point which is striking in this part of the testimony is that besides its theoretical value as it relates to social structure in Chingale, it also supports the thesis made in the second chapter that Johnston's method of ascertaining that chiefs had the right to dispose of their land was not thorough. For if he was to gauge public opinion about the transaction between Mang'anja chiefs and Sharrer, he would find people like Zinezo objecting to the sale of land.

The other point about this testimony is that it is factually close to what exists in records. For it is recorded in the certificate of claim by which Commissioner Johnston had recognised Sharrer's title to land in the area that the latter had bought it in fee simple from Kampata, Kuphimbi and Mitawa and their headmen on three different occasions. All

these were Mang'anja chiefs selling land which was at that time under the influence of Chief Liwonde of the Machinga Yao group. It has been suggested in the second chapter of this thesis that the action taken by the Mang'anja chiefs might have been influenced by their need to have European influence in the area to neutralise the power of the Yao people, rather than by economic forces.

As far as Chiganga's account is concerned, there is no similarity whatsoever with that of Mbukwite as the following text shows:

When B.C.A. came to this area, Hynde was here. He used to manufacture sugar in Zomba. He also used to buy fine salt manufactured by Mang'anja people on the bank of River Shire and sold it in Zomba.

It was Hynde who sold this land to B.C.A. when he was leaving. Sharrer was manager of B.C.A. and he too sold part of this land to Sitole who used to build stores.

However, the fact that this testimony is removed from truth is no reason to discriminate it from historical evidence on Chingale, for it serves a purpose. For example, it associates the colonisation of Chingale with more than one European. This is historically significant because, as will be shown later in this chapter, Chingale was open to early British colonisation because of its position on the only route which linked Malawi with the outside world in the 19th century. It will also be shown that Chingale was a militarily strategic area even to Harry Johnston.

The remaining part of Mbukwite's testimony makes another important point about social structure. This is about the opposition between members of the same ethnic group. The testimony does not attribute equal rights of claim over the disposal of land in the area to all Yao people or all Mang'anja people in the area, as the following account shows:

Masaula was originally on the western bank of River Shire with Kuphimbi. When B.C.A. (Co.) was here and Blair was its Agent here, Masaula had a beautiful daughter whom Blair wanted to marry. But Masaula would not let him marry her because he had arranged that his daughter should marry his slave.

Some time later Masaula wanted to cross to the eastern bank of the river to settle, and Blair would not let him do so. But it was not long when Blair was transferred to Balaka, and then Masaula seized the opportunity to cross to the eastern bank.

Kumchela allowed Masaula to come and settle here in return for a chicken. He came to settle near the railway line.

My mother's brother was then at Lisanjala, and worked for B.C.A. (Co.) as Head Capita. He was not happy with his fields at Lisanjala, and he asked Blair to let him come and settle at Linthipe. This request was granted.

Kalundwiche, brother-in-law of Masaula, followed Masaula, and through him the Anglican Church School came to Chilipa.

Balamanja came from Fort Johnston. He came to stay at Machinji after having asked for permission from Gwaza. When former Balamanja died, survivors moved away from the Riverside and settled near Masaula.

Kalaliche also came from Fort Johnston and asked Kumwinje for a place to settle. Kusangala came from Malemia and asked for a place to stay from Kalaliche.

Philipo, who married my sister Chinawa, came from N.A. Mlumbe. He was employed by B.C.A. (Co.) and used to be carried in a hammock like a European. He came to stay at Ndunde. Malundu also came from the mountain and found Philipo here. Mkomanyama also came from the mountain to stay near Philipo and Malundu.

When Chibwana came from Chikala he established his village at Chingale where he still is to-day.

Matolo came from Yao and established himself on the southern bank of Namitembo stream. He is the pioneer here, for he came when this place was nothing but bush.

Namonde and Ntiku followed and settled at Mchela stream. Then came Kuntiwa, Masangula, Chiganga, Kuntuluma and Chiunda. Moto came after these people while Chinkwenzule came much later.

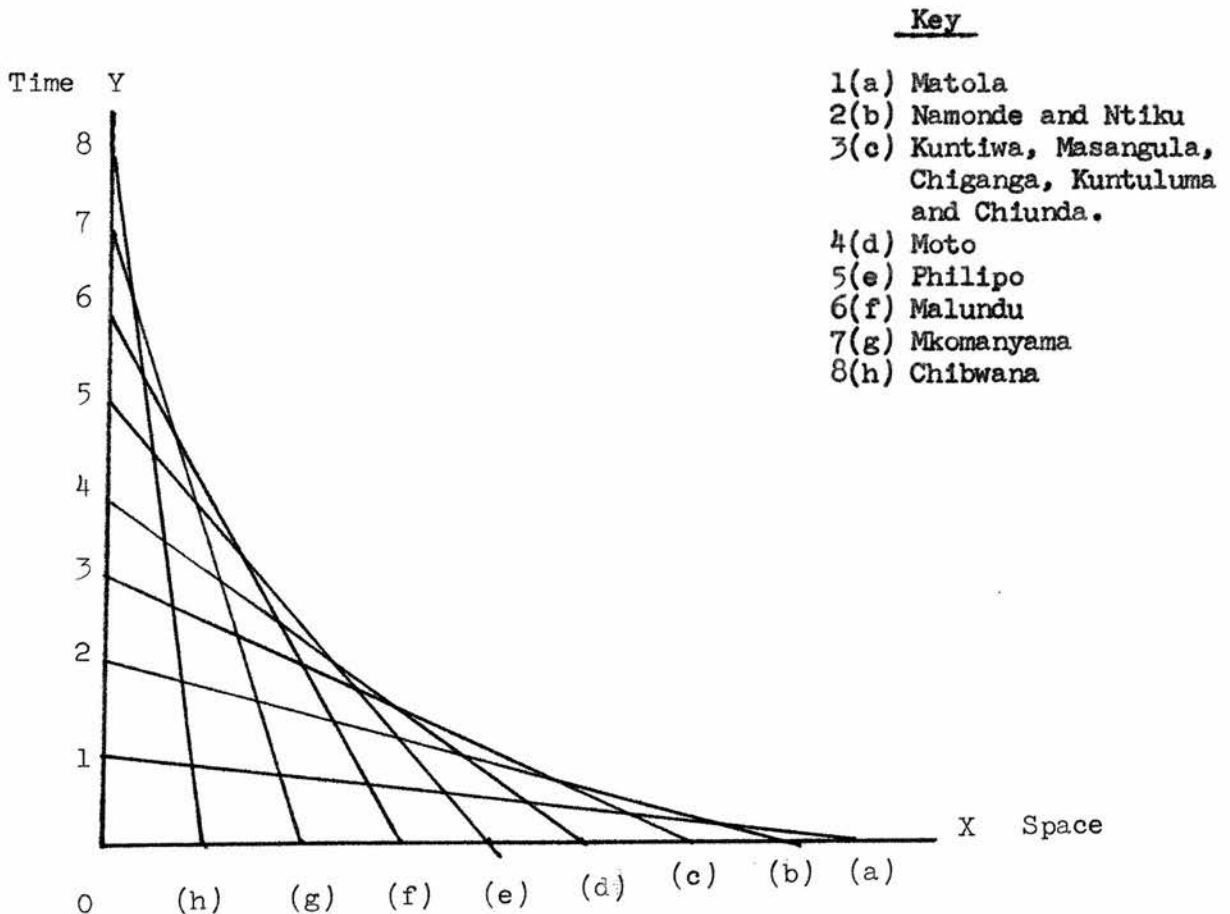
I will not mention many people who have just come. Suffice it to say that Matola was the leading settler here. He would have been made Group Village Headman instead of Mkasala, But he refused it when Welensky's boys offered it to him. This was because he felt that Mkasala, who was Mlumbe's son, should be made Group Village Headman.

The point that it is not all Yao or all Mang'anja in the area who



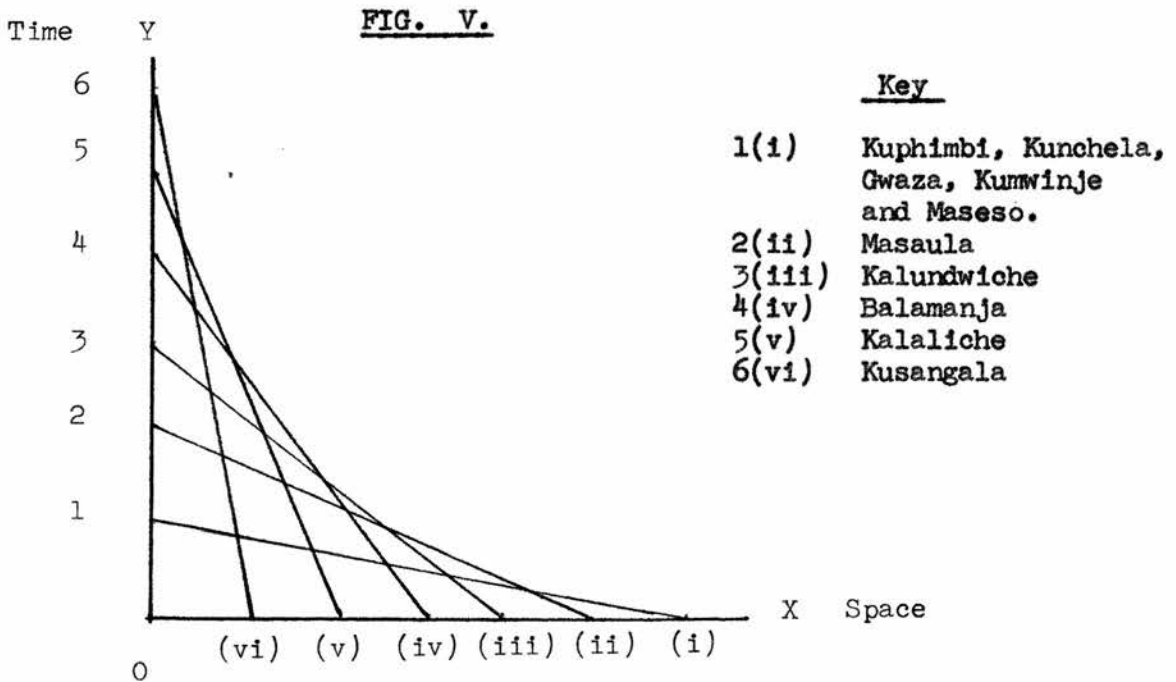
own the land implies that the factor of military superiority of a whole ethnic group or that of belonging to the group of aboriginals does not count as a basis for claiming control over land. This point can be represented by re-ordering Village Headmen on an ordinal scale of time of their arrival in the area as it is claimed in the testimony. To begin with the Yao headmen first, the testimony has singled out Matola as the first headman to establish his settlement in the area. Namonde and Ntiku are reported to have followed later; and so on. The picture that emerges is as in the following figure:

FIG. IV.



(Situation where early comers may claim dominant positions over late comers, with reference to the Yao people).

The Mang'anja headmen can be ordered in the same way as it is shown in the following figure:



(Situation where early comers may claim dominant positions over late comers with reference to the Mang'anja people).

A point which may be puzzling in Mbukwite's account is that, whereas he acknowledges Kuphimbi as the owner of the land in Chingale by virtue of his early settlement on the western bank of the River Shire, he denies Masaula and Kalundwiche, who are from the western bank of the River, the right to make prior claims over land on the eastern bank of the River.

Perhaps this puzzle can be explained in relation to the general point which the respondent is making. His point is that, being a neighbour of Masaula and Kalundwiche, he has more claim over land on which these two headmen are settled than they have because his mother's brother came there first. Besides, the testimony implies that the

respondent's claim is based on the fact that his maternal uncle was allowed by the British Central Africa Company to settle at Linthipe while Masaula was only allowed by Kumchela who had no authority over that piece of land at that time.

However, this part of the testimony also reflects the persistence of claims which may be made by Mang'anja people that they still could allow other people to come to Chingale even though land belonged to the British Central Africa Company. This is because newcomers to the plantations used to approach traditional leaders first, and these took them to the Agent of the estate-owner, who either allowed them to settle or not.

The testimony also reflects the view that, in addition to Mbukwite's ambiguous conception of rules of land distribution, first by his acknowledgement of authority of the British Central Africa Company and then of Mang'anja headmen, he also makes a seemingly contradictory claim that his authority is derived from Mlumbe and the British Central Africa Company. His latter source of authority is the same as that with which Kumchela and Kuchile were said to have aligned themselves when they sold land to Sharrer, and with which Mbukwite aligns himself when he makes it the source of his authority over land. All this confusion serves to support the thesis that social structure is not consistent and that the system of land tenure is ambiguous.

One aspect of the history of land tenure on which there was a consensus of feeling among respondents was thangata. It will be recalled that Mbukwite's testimony mentions the point that Zinezo had warned Kumchela that if he sold land to Sharrer the latter would turn Africans resident on his land into slaves. This assertion has been demonstrated

in the third chapter which has analysed thangata in general terms. The way the system of thangata operated in Chingale supports the assertion. Besides, evidence from Chingale shows that the export-orientated system of agricultural estates did not benefit the African population.

The most outstanding fact about Chingale is that when it was bought by Sharrer, it eventually merged with his other commercial establishments under the British Central Africa Company. This Company was<sup>4</sup> formed by Sharrer early this century and he became its Manager. It was second only to the British South Africa Company in owning the largest amount of land in Malawi. But it did not develop Chingale.

In terms of pure economics the under-development of Chingale is usually attributed to two factors; the depression after the First World War which is said to have affected the growing of cotton in Chingale, and primitive communication which was prohibitive as the Company relied only on a barge which linked Mphimbi and Matope ports. Only the second factor concerns this study.

In the 19th century Chingale was exposed to early British colonisation because of its position on River Shire. This river was the only route leading to Lake Malawi, and Mphimbi in Chingale served as a<sup>5</sup> port for Zomba. In fact, the significance of River Shire as the only<sup>6</sup> natural route of Central Africa was not only in relation to Zomba; it

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<sup>4</sup> Nyasaland: Information for Settlers and Travellers; issued by B.C.A. Co., Ltd., London, 1924, p. 10

<sup>5</sup> Baker, C A., 'Malawi's Early Road System', in The Society of Malawi Journal, 24,1, Jan., 1971, p. 16

<sup>6</sup> Robertson, P., 'The Commercial Possibilities of British Central Africa', in The Scottish Geographical Magazine, 16, 1900, p. 235

also used to provide the quickest and cheapest passage from Katanga in the interior of Africa to the mouth of River Zambezi.<sup>7</sup> But during the second half of the 1890's the importance of Shire began to wane; partly because the Protectorate Government was set on constructing a road between Liwonde and Zomba via Domasi, and also because the level<sup>8</sup> of water in River Shire was falling.

The upward river journey used to begin from Chinde at the mouth of River Zambezi. But commercial steamers could only go as far as Katunga on River Shire where the journey was interrupted by cataracts. Cargo from the steamer was then transported by porters from Katunga to<sup>9</sup> Matope where southward bound steamers from Lake Malawi used to return. Cargo was then put on to these steamers which took it to Lake Malawi. But they used to off-load cargo for Zomba at the twin stations of Gwaza and Mphimbi in Chingale. Zomba was linked to Mphimbi by the Namitembo<sup>10</sup> military road which was constructed between 1891 and 1892.

However, since 1879, there had been a process of decrease in the depth of the river. This was noticed in 1900 when large steamers from Chinde failed to reach Katunga; instead they came as far north as Chiromo

<sup>7</sup> Sharpe, A., 'Central African Trade, and Nyasaland Waterway', in Blackwoods Magazine, Feb., 1892, p. 321

<sup>8</sup> Gamlen, D L., 'Transport on The River Shire in Nyasaland'; in the Scottish Geographical Magazine, 86, 1935, passim.

<sup>9</sup> Robertson, P., op. cit., p. 235, and Sharpe, A., op. cit., p. 321

<sup>10</sup> Watson, J H E., 'Some Historical Notes on Zomba', in Nyasaland Journal, 8, 2, July, 1955, pp. 66-7

which is fifty-two miles south of Katunga.<sup>11</sup> The journey to cover this distance was then continued by smaller vessels which carried goods to Katunga for porters to take it to Matope.

On the other hand, water transport between Lake Malawi and Matope continued undisturbed until 1902 when it was noticed that between October and January the river was losing its depth,<sup>12</sup> for large steamers only went as far down as Liwonde, while smaller vessels completed the journey down to Matope via Mphimbi and Gwaza. In 1905 the situation became worse in that steamers from the lake could not reach Liwonde during the dry season.

An explanation of this strange behaviour of River Shire only came to sight in 1908 when it was noticed that Nkazi stream had changed its course and joined River Shire at Nandambo, south of Lake Malombe. This change of course resulted in the accumulation of a sand barrier on the course of River Shire, which finally led to the closure of Mphimbi, Gwaza and Matope stations downstream.<sup>13</sup>

Meanwhile, steamers from Lake Malawi still reached Liwonde during the rainy season, and portorage from Katunga to Matope changed its destination and reached Mphimbi where cargo was poled to Liwonde on barges.<sup>14</sup> But the worst was still to come, for in 1911 the sand bank between Malombe and Liwonde had so blocked River Shire that it was impossible for steamers from the lakeside to pass through. Only barges were poled between the two points during the period between 1913 and 1914.<sup>15</sup>

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<sup>11</sup> Gamlen, D L., 'Transport on the River Shire ...', op.cit., p. 451

<sup>12</sup> *ibid.*, p. 453

<sup>13</sup> *loc. cit.*

<sup>14</sup> *loc. cit.*

<sup>15</sup> *loc. cit.*



So, coupled with the opening up of an alternative route via Domasi,<sup>16</sup> the falling level of River Shire is held to account for the reversal of developmental processes in Chingale at the turn of this century. Yet, this factor also helped to influence the decision made by the Government, in co-operation with traders and planters, to construct the Shire Highlands and the Trans-Zambezi Railways,<sup>17</sup> the first of which was to be extended to the shores of Lake Malawi. This railway line passes through Chingale, and the extension reached the lake shore in 1935.

However, although the economic history of transport in Chingale shows how difficult it was for the British Central Africa Company to develop Chingale, it also hides the fact that the Company tried to compensate for this economic disadvantage by means of thangata. By 1930 there was little happening on Mphimbi estate except thangata in the form of money-rent as well as purchases of tobacco from Africans who were induced to grow it in order to earn a rebate on rent.

Indeed, information gathered from Chingale reveals a preponderance of assertions which show that Mr. A.H. Maw, the Company's agent in the area, used to levy money-rent instead of labour-rent.<sup>18</sup> This practice was there even as far back as 1921 when V.H. Kwikanga moved into the area. He remembered having found the system of money-rent in operation. Yet, it was in 1921 when the Land Commission headed by Judge Jackson reported that planters would not accept Africans on their estates unless the latter promised to render thangata, in the form of labour to the former.

This is not to suggest that the Africans in Chingale were not

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<sup>16</sup> *ibid.*, p. 449

<sup>17</sup> Sharpe, A., 'Trade and Colonisation in B.C.A.', (1901), *op.cit.*, p. 134

<sup>18</sup> This information refers to the situation as it was in the 1930s and 1940s.

subjected to the worst form of thangata. On the contrary, respondents were full of memories of money-rent defaulters' huts being set on fire by the Company. This induced them to look for jobs on the estate or elsewhere in order to pay rent. Besides this method of inducing the African residents to work, the Company had also adopted the practice of asking them to grow tobacco and sell it to the Company. From these sales they deducted money-rent. This practice was repeatedly mentioned by Village Headmen in Chingale.

In fact, the British Central Africa Company started to foster the practice of letting the African residents on estates earn rebate on rent by growing and selling cash crops to them long before it became legalised as it is borne by the following quotation from the planters' memorandum on land matters:

Lately, in conformity with the movement to encourage the natives to grow produce, the Company have made arrangements to issue seed to settled natives so that they can grow cotton and tobacco themselves, under their Agents' supervision, but in all cases the natives are under the supervision of the Company's Agents and look to the Company for their welfare.<sup>19</sup>

Hence, when the Government were enacting the 1928 Natives on Private Estates Ordinance they were only confirming what was already taking place on the estates of the British Central Africa Company.

It is paradoxical that the British Central Africa Company was getting money-in-lieu of labour-rent when other estate owners preferred the latter; and their early adoption of the practice of buying cash crops from resident Africans needs explanation. It is the thesis of this study that the falling level of River Shire, and the consequent reduction of the Company's agricultural activities in Chingale led to change in

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<sup>19</sup> Memorandum on Private Estates in Nyasaland, 1925, op. cit., p. 103

methods of exploiting economic resources in the area. But these methods were adopted as a last resort and the second one was a subtle way of liberalising thangata so that it could be accepted by Africans.

The importance of Chingale as a private agricultural estate is that it serves to illustrate how the economy of plantations did not serve to develop Malawi since it was geared to feeding industries in Britain. Apart from the remnants of the cotton mill which the Company operated at Mphimbi Port, and apart from the ruins of their offices at Chingale Boma, there is little evidence to show the extent to which the Company had developed their estate. Even the theory that the fall of the level of River Shire accounts for lack of development in the area cannot stand up against the fact that the Company held onto the area until it was asked to sell its property to the Government in 1948. It was because the practice of inducing the African squatter to earn a rebate by growing cash crops for sale to the Company was lucrative that the British Central Africa Company hung onto the area, and this practice was not beneficial to the African squatter concerned. It was after the Government Settlement Scheme had started in the area that the Africans started to work for their own survival. It is to this settlement scheme that attention will now be drawn.

The Government Settlement Scheme in Chingale was one of the two schemes which the Planning Committee, mentioned in the third chapter, had recommended in 1948. The plan of the Committee was that the scheme should be phased into two stages. The first stage involved policy formulation and organisation of an institution through which to apply the policy. The District Commissioner for Zomba was responsible for the scheme. He was given general advice by an Agricultural Officer who was seconded to

the scheme, and was assisted by a Settlement Officer who went to live in the area and did little office work.

The second stage involved banning immigration into Chingale, taking a census of existing huts in the area, and issuing a special metal for each hut. After the census the estate was surveyed and suitable places for settlement were selected from those which were to be under the forest reserve. Finally, the District Commissioner considered applications from Africans living on private estates in the Shire Highlands and issued metal licences to those applicants whose applications had been approved, for no hut was to be erected unless it was supported with this licence.

The scheme started in 1948 and lasted up to 1958. It involved the creation of a settlement station on the southern bank of Chingale stream. The creation was in the form of the erection of offices and stores, the building of African staff quarters and a market;<sup>20</sup> and the provision of simple medical and postal facilities, the sinking of twenty-one bore-holes in the driest parts of the area, and the construction of roads and bridges.<sup>21</sup> Five Administrative Officers were at different times involved in this scheme as resident Settlement Officers. They were Messrs. J. Orgill,<sup>22</sup> D. Baxter, A. Smith, R.E.N. Smith and C.A. Baker, respectively. Their duty was mainly to ensure that immigrants complied with conditions on which they were allowed to settle in the area. Some of these conditions<sup>23</sup> concerned building houses in straight lines, as well as the use of

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<sup>20</sup> Colonial Report, 1953, Nyasaland, H.M.S.O., London, 1954, p. 55

<sup>21</sup> Colonial Report, 1951, Nyasaland, H.M.S.O., London, 1953, p. 52

<sup>22</sup> Private communication - C.A. Baker to J.A.K. Kandawire, I.P.A.  
Ref. 4/6/1/1, 26/11/70.

<sup>23</sup> ibid.

agricultural methods acceptable to the Government.

Most of the people who came to Chingale during the period of the settlement scheme are Lomwe by ethnic identity. In the area they found Mang'anja and Yao people occupying places readily accessible to water supplies as well as to madimba, leaving the dry central part of the area unoccupied. The new comers came to settle on this dry piece of land, and for their livelihood they depended on rain which watered their gardens seasonally and on wells from which they got their drinking water also seasonally. This meant that during the driest part of the year (from August to November) they had to dig for water on drying streams or trek for not less than three miles north or north-east to draw water from Namitembo stream.<sup>24</sup>

Another aspect of the activities of the Administrative Officers was the development of market places or squares. This is not to claim that before their arrival there was no institutionalised exchange of goods among the people who lived in the area. Indeed, even though records are not yet available to enable one to reconstruct a comprehensive history of the emergence of this institution, oral evidence has it that by 1949 there was such a market place at Bilila where The African Lakes Company had a Store. This year is remembered because then there was famine in the country, and that the Government supplies of food items from outside to the people in Chingale were distributed through the system of buying and selling at this market place. But before the development of this market place those people who wished to sell their agricultural produce went to Zomba market place.

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<sup>24</sup> Today this area is served with water from Mt. Zomba through a system of plastic pipes which was constructed on self-help basis with the assistance of the C.D. Dept., and D.D.C., Zomba from 1968 to 1969. For information on this project see R.A. Miller, 'District Development Committees in Malawi: A Case Study in Rural Development', in J.A.Q., 9, 1, Jan., 1970, pp. 137-8

The development of Bilila into a market place was inevitably spontaneous, and not because there was a store which turned the place into a central one. For what made the African Lakes Company choose this site could not have been anything else other than its proximity to the people. But it was not in the same way that the market square at Chingale Boma grew. As far as oral evidence goes the emergence of this market place is directly associated with the construction of the settlement station in 1952. Mr. D. Baxter was remembered by one of the respondents as having been the first Officer to build a shelter under which villagers who used to come and sell their produce to Government employees, could carry out their transactions. Credit for the extension of the system to other places in the area was given to Mr. C.A. Baker who was reported to have built shelters at Chingale, Chinseu, Masaula and Chipini in 1954.

The role of Village Headmen in influencing the spreading of market places was also reported. For example, Group Village Headman Mbukwite recalled that, with the ex-Group Headman Papius Balamanja,<sup>25</sup> he saw the need that villages far away from Chingale market place should be served by a nearby market place and that Chilipa was a central enough place for the market which was named after V.H. Masaula because it is in his village.

In 1970 there were seven market places in the area. Four of these were being administered by the Zomba District Council. They were: Chipini and Masaula in Balamanja's section, Chingale in Mbukwite's, and Chinseu in Mkasala's section. The other three which had not yet

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<sup>25</sup> Papius Balamanja was no longer the Group Village Headman in 1970. His position was being occupied by one of the Kachingwe family.



been taken over by the District Council were divided between Balamanja's section which had Guta and Gwaza, and Mkasala's section which had Kambende. Each of these market places had at least one official market day, and on each of them were sold mainly agricultural produce which families had produced for subsistence but exchanged them with money only to buy a different type of produce which they lacked. Those who grew cash crops like cotton and ground nuts sold it to a Government Statutory Farmers Marketing Board which used to establish temporary market places away from the seven being discussed here.

A fundamental point to note is that the permanent market places served as growth-points in that they attracted small-scale businesses to develop around them. Among the seven of them they had, by 1970, attracted sixty-four out of one hundred and forty-four groceries that could be located during the time of field research. The remaining eighty, plus thirteen maize mills and thirteen carpentry work shops, were scattered all over the area, mainly along a network of roads.

Individual histories of the development of these small-scale businesses support the conclusion that early developments in the area were not for the improvement of the standard of living of local people. This is so despite the fact that only fifty-one out of one hundred and forty-four owners of the located businesses were interviewed, and that nine out of the fifty-one did not give helpful answers to a general question about how they had started their businesses.

Answers from the rest of the respondents can be grouped under three heads, depending upon whether one had been employed by others from whom one earned money with which one started one's business, or whether one had been self-employed from the very beginning of one's business, or whether one had been given the initial capital by a relative. It is worth adding that this classification emerges from the answers themselves

and not from a pre-conceived framework.

The result of the analysis shows a preponderance of those businessmen who had started by first using their time to work for employers either inside or outside the country. Twenty-eight of those interviewed had in fact started in this way, and only twelve of the twenty-eight had migrated to Rhodesia and South Africa to find employment. But none of the sixteen who had found employment locally had raised their initial capital from European-owned Plantations despite the fact that most of these people had lived as squatters.

Those who had raised initial capital from self-employment were nine only, and seven of these started from agriculture while the remaining two started from crafts like mat-making and the like. The remaining group of five respondents included one who had inherited the business from his mother's brother and the others who had started businesses with funds provided by their living relatives.

A modal pattern of growth of these businesses tended to be either from local employment, or labour migration or self-employment to the establishment of a grocery. However, there were variations in the actual details about stages through which each businessman had passed to reach the grocery stage. For example, after earning or raising the initial capital in the form of money some people bought sewing machines and worked as self-employed tailors before they moved on to the establishment of their groceries. Other people first bought bicycles which they used for dealing in the buying and retailing of fish from which they moved on to the establishment of tea-rooms in which they served passers-by who needed ready-made tea. The setting-up of a grocery seemed to have been the ultimate aim of most of the respondents, and the preponderance

of groceries was remarkable. But this preponderance only reflects the type of commodities which were in great demand in the the area. Things like paraffin, soap, cooking oil, sugar, and so on, were in greater demand than clothes. It was preferable for the people in the area to go to Zomba or Blantyre to buy durable goods which lasted for a long time before they could think of replacing them with new ones. But they could not afford to keep on going to these Towns all the time to buy the ready-to-consume type of commodities like paraffin.

There is also another explanation to the businessman's preference for retailing miscellaneous domestic stores to dealing in other kinds of goods. Although most of them were reluctant to discuss their financial positions, it was clear from the fact that most of them had no Bank Accounts that these Businessmean could not raise additional capital by borrowing from Banks, and that their businesses could easily go bankrupt. For this reason most of them could not afford buying commodities which were likely to remain unsold for a long time.

To move away from the discussion about the way initial capital was raised and how limited it was, there is the question of participation in this small-scale business. In terms of sex composition only two of the respondents were female. One of these females was managing the biggest store in the area. Until July, 1970, this store belonged to an Asian who left the area to set up business in a Government-approved Trading Area where all Asian businessmen were required by Government Order to trade.<sup>26</sup> The woman who had assumed responsibility over this store was this Asian's wife and a Malawian by descent.

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<sup>26</sup> Malawi News, Tuesday, May 5, 1970. See front page headings:  
 (a) 'President Warns Traders To Move By Certain Date.'  
 (b) 'Some Traders not following Policy Says Tembo'.

Age wise the system favoured those in their thirties. But there were more businessmen at fifty years of age and over than there were between forty and forty-nine, and between twenty and twenty-nine years. No explanation seems to be in sight why the age structure should show that businessmen are mainly those aged between thirty and thirty-nine, and those over fifty years of age. A hypothesis which may need further substantiation is that businessmen were predominantly those people who had no leading position either in the political party or administrative villages. Of those who had been interviewed there were only five who were party officials and two Village Headmen. Put in another way the hypothesis is that political party leaders were mostly drawn from the age group which was not associated with business management, and this division of labour gave a chance to businessmen to concentrate on the management of their businesses since most of them had no employees.

The span of time in which businessmen started their businesses also makes an interesting revelation. There was only one respondent who claimed that he had started his business in 1947. Answers from the rest of the respondents show that none of them had started earlier than 1958. Seventeen of these started before 1964, while the remaining thirty-three had started in or later than 1964.

#### On political changes:

Political history which covers the period before 1891 has already been dealt with in chapter two and in the first section of this chapter. The strategic position of Chingale was also referred to when describing the interaction between the Yao, Ngoni, and Makololo people during the 1860s and 1870s. This military factor is significant in the history

of Chingale which starts in 1891. When Harry Johnston came to consolidate the country into a British Protectorate he concentrated on putting these inter-group conflicts to an end and used River Shire as a strategic dividing line between the Ngoni of the Zobwe-Dedza mountain range and the Yao of the Shire Highlands. This left him with the problem of destroying the power of the Yao people along the northern part of the Shire valley.

Johnston embarked on a ruthless campaign against the Yao. His usual approach was first to try to make treaties with chiefs and in the event of failure to get a quick positive response from them he resorted to force. Between July and December 1892 he managed to negotiate treaties with the Yao chiefs and these treaties are said to have pro-<sup>27</sup>fessed to cede certain rights over land to the British Crown. It was as early as 1891 when he negotiated treaties with two Mangoché Yao<sup>28</sup> chiefs - Mlumbe and Malemia - and with one Machinga Yao chief - Liwonde.

It was important for Johnston's Administration to establish friendly relations with these three chiefs as early as 1891 because the first two were to be neighbours in Zomba while the third chief was occupying a strategic island on River Shire, about twenty miles north of Chingale, where he could control the passage of steamers to and from Lake Malawi.

After treaties with these chiefs had been completed the Administration set out to establish military posts along the river line in order to<sup>29</sup> hold it firmly against the anticipated Ngoni raid on Zomba. At the same time they also built Namitembo military road along the line which is<sup>30</sup> to a large extent followed today by Chingale escarpment road.

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<sup>27</sup> Smith to C.O., 27-2-1922, in C.O. 525/101/9102, pp. 140-6.

<sup>28</sup> Watson, J.E.H., 'Some Historical Notes on Zomba', in Nyasaland Journal, 8,2, July, 1955, pp. 63-6

<sup>29</sup> Watson, op.cit., p. 67

<sup>30</sup> loc. cit.

Also in 1891 Captain Maguire and Commissioner Johnston attacked Chief Kawinga of the Machinga Yao and a kinsman to Chief Liwonde, in his stronghold at Chikala. This was done on the pretext that Kawinga did not give up his raids for slaves. But he repulsed them. It was after they had failed to destroy him in the first instance that later in the same year John Buchanan visited Kawinga at Chikala and negotiated peace with him. The agreement they arrived at was that Kawinga would abandon slave trade and the Protectorate Administration would recognise the independence of his chiefdom which would be separated from the Protectorate by Makongwa ridge, midway between the Shire River and Lake Chirwa.<sup>31</sup>

However, it is said that the two Machinga chiefs did not keep the agreement long enough. Liwonde was the first to collide with the Administration. Early in 1893 he enslaved some Africans from Zomba and a party of Europeans and a few Makua Police rescued these Africans. This act was met by retaliation from Liwonde's men who attacked the rescuers. It was this retaliation which opened an opportunity for the Administration to deal with Liwonde and leave the river link with the lake clear of any possible danger of being controlled by him. But it was not an easy confrontation for, as Johnston has recorded the encounter, "The whole river now was up in arms wherever there were Yao."<sup>32</sup>

News of this Yao uprising reached Commissioner Johnston after a boat and a steamer, both of the African Lakes Company, had met their tragic fate on the river. The boat is said to have been under the

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<sup>31</sup> *ibid.*, pp. 63-5

<sup>32</sup> Johnston, (1897), *op. cit.*, p. 116



control of a Tonga man and that when it was seized by Liwonde's men one of the Tonga passengers had his throat cut in the presence of chief Liwonde. The second was the steamer called Domira. It was making its way down to Matope and got stuck on a sandbank opposite to one of the villages under Chief Liwonde.<sup>33</sup>

When they got this news in Zomba, Commissioner Johnston and Captain Maguire organised a force of Makua police and Tonga labourers, and with this force left for Mphimbi where they were joined by Messrs. Crawshaw, Gilbert Stevenson and Alfred Sharpe, and from there they fought their way up the river to the place where the steamer was stuck. But when they reached the place where the steamer was lying they got trapped by Liwonde's men who had re-occupied the banks of the Shire behind them. Had it not been for the early arrival at the battlefield of a German expedition led by Herr von Eltz, which consisted of about twenty Sudanese soldiers, historians would have had a different story to tell. Johnston has said about this expedition: "These relieved us from any peril."<sup>34</sup> After this re-inforcement there also came to their relief Lieutenant Commander Carr who commanded H.M.S. Mosquito on River Zambezi. With the help of these people Johnston's party got the Domira off the sandbank and sent it to Matope with Mr. Sharpe, from where they returned with further re-inforcements.

Re-inforced thus, Johnston's expedition was then:

able to advance up the river and capture Liwonde's town which was done without much serious fighting; the brunt of the struggle falling to Herr von Eltz and his Sudanese, and Mr. F.J. Whicker. Liwonde's town was on an island and our forces advanced on both banks of the river.<sup>35</sup>

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<sup>33</sup> loc. cit.

<sup>34</sup> Johnston, (1897), op.cit., p. 117

<sup>35</sup> loc. cit.

Kawinga broke the agreement in 1895 by raiding Malemia's settlements which were inside the British Protectorate. On his part, Chief Malemia had remained loyal to Johnston's Administration. But he was an old enemy of Chief Kawinga. On the Administration's part, they had not contemplated attacking Kawinga soon after their abortive attempt in 1891 merely because they did not have enough forces at their disposal. But in 1895 they felt that Kawinga, in league with Zarafi and Matipwiri, had resolved to attempt to drive the British out of the Shire Highlands, and that an attack was first to be launched at the Church of Scotland Mission stations at Domasi in Malemia's chiefdom.<sup>36</sup> So, when Kawinga raided Malemia's villages it was understood to mean that he was implementing the supposed resolution to drive the British people out.

It was with this belief in mind that, after repulsing Kawinga, Alfred Sharpe might have resolved "to definitely bring this struggle with Kawinga to a close"<sup>37</sup> while the latter's army was demoralised. So, with the re-inforcement of the Sikhs from Mangoche under the command of Lieutenant Hamilton and Captain W.H. Manning, Alfred Sharpe pursued Kawinga to his stronghold in Chitala where the latter was taken by surprise. But Kawinga managed to escape to Mozambique, while his men surrendered to the British Administration. Then Alfred Sharpe negotiated a treaty with Chibwana, Kawinga's son,<sup>38</sup> and brought the area which, in 1891 was an independent chiefdom, under the British Protection.

<sup>36</sup> *ibid.*, p. 130

<sup>37</sup> *loc. cit.*

<sup>38</sup> *ibid.*, p. 131

<sup>39</sup> Watson, *op. cit.*, p.66

This historical account shows that the beginning of British Administration in Chingale was not orderly, as the relationship between Johnston and Liwonde, whose influence extended even to some parts of Chingale, shows. After the defeat of Liwonde Chingale was administered directly by the Revenue Collector from Zomba. When the District Administration (Native) Ordinance was enacted in 1912 it was not applied to this area until 1924 because of planters' opposition since it was one of the European-owned estates. However, Mlumbe was recognised as one of the paramount Chiefs in Zomba District and had some token responsibility over an administrative section which included Chingale.<sup>40</sup> When the 1933 Native Authority Ordinance was enacted Chingale came under N.A. Mlumbe. But, again, he exercised limited power over it because of planters' opposition. It was when the area was bought from The British Central Africa Company by the Government in 1948 that Mlumbe assumed his full authority over it.

The settlement scheme which started in 1948 had the same effect on the system of local leadership within the area itself. It enabled Village Headmen to assume their full administrative responsibilities over their followers. For until this time, immigrant as well as old settlers had their loyalties divided between two masters: the Native Authority and the Landlord. As it has been explained in the fourth chapter, the Landlord had more authority over the Village Headmen than the Native Authority had over them since the latter could only issue orders to his Village Headmen with the knowledge, and sometimes approval, of the Landlord. Besides, both the Village Headmen and their Native Authority were completely at the mercy of the Landlord.

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<sup>40</sup> Murray, S.S., A Handbook of Nyasaland, London, Crown Agents for the Colonies, 1922, pp 99-100.

However, during the time when these leaders were being emancipated the system of administrative villages was already undergoing change in that the Government was substituting the Group Village Headman in the place of the Village Headman. In Chingale the establishment of the sub-administrative station was followed by the creation of three positions for Group Village Headmen. The process was accelerated by the resignation of Chief Mlumbe in 1953 in protest against the imposition of the short-lived Federation of Rhodesia and Nyasaland,<sup>41</sup> and this led to the creation of Native Authority Namitembo which was administered through the three Group Village Headmen.<sup>42</sup>

The creation of these three positions was an important theme in oral testimonies from Chingale. As the account from Mbukwite has shown, the establishment of Group Headmen in Chingale did not take place until the sub-Boma (Administrative Station) was built at Chingale. Before that time village disputes which could not be settled by Village Headmen went to Chief Mlumbe. When the Federation of Rhodesia and Nyasaland came, the Government decided to create two offices for Group Village Headmen in the area. Matola and Mbukwite were then chosen to fill these posts. But Matola refused to occupy that position because he felt that Mkasala, who was Mlumbe's son, was the right person for the post. So, the Government selected Mkasala instead. Chingale was then divided between the two Group Headmen so that Mkasala became responsible for all villages north of Namitembo-Lisanjala streams, leaving the villages south of these streams under Mbukwite.

The testimony then adds that when these two offices were being discussed at a meeting between the District Commissioner and Village Headmen, one Mang'anja Headman asked the District Commissioner if a third

<sup>41</sup> Graham-Jolly, H.G., 'The Progress of Local Government in Nyasaland', in the Journal of African Administration, 7, 4, October, 1955, p. 190

<sup>42</sup> Baker to Kandawire, (1970), op. cit.

office, to be filled by a Mang'anja Headman, could be created. The District Commissioner is said to have considered this request favourably, and that Balamanja, by virtue of his being the most articulate of all Mang'anja Headmen, was made Group Village Headman over headmen living along a stretch of land on the lower terrace. The creation of this third post meant that both Mkasala and Mbukwite had to cede their western portions of their sub-administrative sections to Balamanja.

The testimony goes on to say that had Balamanja not been selected on the basis of his being spokesman of Mang'anja Headmen, and had priority been given to early settlers in the area, then either Kumchela or Masaula would have filled the post of Group Village Headman for the Mang'anja people.

The testimony from Mkasala is brief and contradicts that of Mbukwite. As far as he is concerned, Mlumbé sent his maternal uncle to Chingale to be Group Village Headman over all Village Headmen in the area. But later on the Colonial Government in Zomba decided to elevate Mbukwite and Balamanja into positions of Group Village Headmen.

As for the testimony from Zimbili, both Mbukwite and Mkasala were selected as Group Village Headmen by Mlumbé because the Chief was related to them; and that Balamanja got it because Mang'anja people had asked for the creation of a separate office of the Group Village Headman for them.

The demonstration of the thesis that respondents select different information from the same store of events is exemplified in the testimonies of Mbukwite and Mkasala. The former identifies the emergence of the institution of 'group headmanship' with the Colonial Government, while the latter identifies it partly with the Chief's power and partly

with the Colonial Government; and the latter also dissociates his position from the decision of the Government to create the institution.

Secondly, the inversion of social structure is repeated when Mbukwite's testimony suggests that had the selection of the Group Village Headman for the Mang'anja people been based on who the early settler was, then Kumchela would have been chosen. However, a clear demonstration of this thesis is the implied competition for superiority between Mbukwite and Mkasala when they argue on 'who' became 'what' and before 'whom'.

Thirdly, Mbukwite's testimony demonstrates the thesis that the occurrence of an event is meaningfully explained when this explanation is done in terms of other events. The testimony relates the development of the institution of 'group headmanship' to the imposition of the Federation of Rhodesia and Nyasaland from which the respondent tries to dissociate himself.

The testimony of Mkasala also explains the creation of the two offices filled by persons other than himself in terms of the Federation of Rhodesia and Nyasaland, implying that these two offices are based on the politics of collaboration between the incumbents of these offices and proponents of federation.

The development of the political party system was not, however, a concomitant of the settlement scheme. It was a result of the response of the people in Chingale to the all-embracing colonial structure. The extent to which the Nyasaland African Congress had been organised in the area between 1945 and 1958 has not been studied. But at the time when Dr. Banda first came to lead the Congress in 1958 Chingale was already a politically conscious area as is witnessed by the resignation of Chief Mlumbe in 1953. However, the implication of the



reversion of the system of land tenure from the freehold to the customary system is that organisers of the Congress had only the Government to allow or refuse to allow to hold meetings in the area. This made the organisation of the Congress much easier than it was otherwise under the system of thangata.

In connection with the emergence of the African businessmen, two significant sociological explanations can be made about the relationship between entrepreneurship<sup>43</sup> and other types of leadership in the general social structure of Chingale. It is significant that most businessmen who had been interviewed were not also political party leaders, and it is significant that only two of them were Village Headmen.

To take the relationship between the entrepreneurship and party politics first. It is clear from the study of the development of Native Associations in Nyasaland, and of their merging into one political Congress in 1944, that the political system developed before the economic system. But this development was contrary to the way the Protectorate Government would have wished to see it take place. For the colonial conception of responsible development was from economics to politics. According to this conception only those Africans who could integrate themselves to the highly competitive system of agricultural estates would be fit to shoulder political responsibilities. That is to say only those Africans who would own land would also wield political power

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cf. Barth, F., The Role of The Entrepreneur in Social Change in Northern Norway, Universitetsforlaget, 1962, p. 6

the way planters did.

Yet, there was nobody among the Africans who had the means to compete in an export orientated economy, and this explains the reversal of the order of development. The development of Native Associations shows how frustrated articulate Africans must have been when the Government failed to create favourable economic conditions in the country to enable them to participate as equals in the development of their own country. This left them with no choice but to seek political freedom first and<sup>44</sup> let the rest follow thereafter.

A logical consequence of winning political freedom first is that at the beginning of a country's independence there is no economic foundation from which a new political system can grow organically. Instead, the country concerned must move from somewhere to get to that foundation. But this is not easy for those people who are called upon to steer the new political system into its economic harbour. In their turn these leaders demand that they should be given a free hand to guide change in the way they think is in the interests of the country. And the first of these interests is the preservation of the hard-won political independence.

The small-scale businessman in the rural area like Chingale may treat political party leaders as soldiers guarding his political freedom while he engages in economic developmental activities. His problem is how to be spared the trouble of attending political meetings so as to

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<sup>44</sup> This was Kwame Nkrumah's way of putting things, and that is how political and economic independence in Africa is being fought for.

concentrate on the management of his business in which he is his own employee. It is the claim of this study that the situation in Chingale is representative of situations elsewhere in Malawi. It shows that in Malawi the economic system does not provide a foundation for the growth of the political party system; that the direction of change is from political to economic development; and that in place of the missing organic economic foundation, there is an external, be it mechanistic, foundation whose four corner stones are the principles of unity, loyalty, obedience and discipline. Principles of unity and discipline are fundamental to the preservation of Malawi's political freedom; while principles of loyalty and obedience of the people to their leader spell out the way they go about preserving their independence.

Coming to the position of the Village Headman in relation to entrepreneurship, his lack of participation in business can also be attributed to the colonial structure. It has been demonstrated in the third chapter that the system of administrative villages was built as a means to efficient tax collection from Africans. It involved depriving traditional leaders of their income through tributes from their people, and replacing these tributes by a Government stipend paid to recognised Village Headmen. It took the Colonial Government some twenty-one years to reflect on whether to work through the system of local leaders or to ignore it completely. In 1912 they chose to work through it on condition that they would alter particular parts of the system. What they established were villages as tax units rather than for agricultural development aimed at generating economic growth.

The Government stipend which Village Headmen earn per head of their adult male villagers is evidence of the continuity of the traditional

structure of social inequality which served as a foundation for the growth of an equally repugnant colonial system. It expresses itself through inter-village disputes in which contenders strive to get a maximum number of taxpayers in order to earn a maximum amount of commission. It expresses itself through village segmentation as population grows and the number of potential leaders increases. It expresses itself through lack of initiative among Village Headmen to organise themselves to engage in developmental activities before the District Development Committee thinks for them in Zomba.

Nevertheless, the fact that there are some people in the area who are doing some developmental work gives hope that the others may learn from them. But these developmental activities do not amount to very much. They are mentioned here to indicate the extent to which under-development, rather than development, exists in the area. The main aim of this chapter has been to portray a picture of how the history of development and social change in Southern Malawi can be demonstrated at a micro-level like Chingale, and to characterise social structure in Chingale as it emerges from oral testimonies. Emphasis has been put on the thesis that oral testimonies are primarily about claims which people make about their rights to distribute land to new settlers. Counter claims put two or more claimants in situations of conflict, and each of them defines boundaries to suit his own interests and on the basis of information available to him about who the early settlers are.

The following chapter will exemplify the thesis by analysing disputes between neighbouring Village Headmen on land matters. It will be seen that the same structure of opposition emerges from the analysis.

CHAPTER SIXLAND DISPUTES IN CHINGALE

The problem to be analysed in this chapter is posed by the relationship between village leadership and land tenure. It is a complex problem in that it is one of ambiguity and social conflict. It arises from the fact that the system of administrative villages is expanding with population growth. But land is a fixed entity and cannot continue to sustain the expanding system. And this generates a contradictory social situation which sometimes expresses itself through conflict between Village Headmen. Therefore, the analysis of situations of conflict may lead to an understanding of the problem.

The assumption behind the analysis is that beneath the atomistic or egalitarian system of administrative villages there is a hierarchical system of positions of leadership. But this system is not always stable because one of the Village Headmen who may be ranked below the other does not recognise the ranked system. This is administratively justifiable although the administrative framework is not usually adequate to deal with the problem of conflict which follows from such a situation. As a result conflicts among traditional leaders add to the weakening of their positions and leaves party leaders in a stronger position.

The factor which influences the stability of the hierarchy of leadership is land. Every administrative village occupies a piece of land. Some villages come into existence after others and they take with them those pieces of land on which they are at the time of establishing their administrative autonomy. But the Village Headman of the parent village may not be prepared to cede part of his village land to the new village

although he allows the new village to exist on that land. In this way he asserts his authority on the new village on land matters. If the new village also accepts this position then there exists a hierarchy of land tenure. However, the new village may assert its autonomy on land matters, and this leads to conflict and makes the hierarchy of land tenure unstable. This leads to the thesis that in 1970 there was a structural ambiguity which accounted for the complexity of the problem under study.

Four factors should be borne in mind when discussing the inter-village disputes. The first factor is the geographical framework described in the first chapter. It was stated there that the classification of physical features was intended to specify the limitation of habitable land, define the distribution of people's settlements, and characterise how this distribution related to ethnic groups to which the people living in the area belonged. The distribution of population and its interaction with ethnic groups were also considered within the framework of administrative villages. This chapter demonstrates the working of the dynamic system of land tenure, followed by modes of acquiring land in Chingale

The picture which emerges in the end depicts a social system which is not readily classifiable. It is a system in which the principle of hierarchy militates against that of egalitarianism; and it is a system which does not correspond to partitioned tribal systems since the extent to which ethnic groups inter-mingle makes it difficult for one group to evolve as a political unit. Yet, the social system does not deny itself of any of the principles just mentioned; and this makes it a dynamic system whose full understanding should be sought in the colonial situation within which the system of administrative villages



evolved.

Village expansion and disputes.

The advantage of treating a village as a poly-ethnic group is that the model provides a basis for explaining deep-rooted causes of the multiplication of administrative villages, and this multiplication gives rise to the land tenure problem. The major cause of the multiplication of villages is population growth. An ethnic group which constantly receives immigrants into the village is ultimately likely to produce its own leader who will seek to become an Administrative Village Headman. The usual procedure to get Government recognition is for one to approach one's Village Headman and ask for his recommendation to the Chief through the Group Village Headman that one should be given kaundula which means Government's census book of the village. The Chief, in his turn, makes his recommendation to the Government through the District Commissioner.

Different factors prompt Village Headmen to recommend aspiring wardens<sup>1</sup> of small sorority groups for such an appointment. One of these factors is the Village Headmen's desire to spread their influence over a wider area so that new comers find an established authority with which they have to compromise. This seems to be the case with the multiplication of Matola village which is said to have been the largest in the area. But by 1970 Villages like Fikila, Jussu, Salim M'mannga, Swali and others were in existence; and all these were said to have

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<sup>1</sup> Cf. Mitchell, (1966) op. cit., p 138, see footnote 2 where he defines wardens as those men responsible for their sisters and their descendants.

been part of Matola village in the past. The multiplication was not sparked off by conflict.

Sometimes villages multiply because of the need to decentralise administration of heavily populated villages. This was the case with Mitumbili village which had, in 1966, more than one thousand people.<sup>2</sup> By 1970 this village had given autonomy to other villages like Malowe, Nyaka, Mtangaleya, Nampula and Bamusi. Even this case was one of orderly expansionism because the relationship between the new villages and their parent village was cordial since the new villages appreciated what Mitumbili had done for them. The resulting system of organisation in this case was an ordered hierarchy.

As opposed to the progressively expansionist policy there is social conflict which is constantly at work and results in the multiplication of villages which express an atomistic structure when related to their parent villages. A good example of a conflict situation is a dispute between Yao Village Headmen Kuchiunda and Kuntuluma in the very northern part of Mkasala's administrative section. The dispute dates from 1942 when Kuntuluma moved his village from Masenjele near Mkasala's village to Chigwandembo where Kuchiunda had already established himself as Village Headman.

The bait in the dispute was a group of Ngoni people who had no administrative Village Headman of their own and who, therefore, came under Kuchiunda. After he had settled down Kuntuluma started to entice members of this Ngoni group to change their allegiance from Kuchiunda and transfer their names to his kaundula. But Ngoni people liked to be under Kuchiunda, and so they reported to him what Kuntuluma

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<sup>2</sup> Zomba Village Population by Sex, Age, Race and Education, 1966,  
op. cit.

was doing. On his part Kuchiunda realised the futility of confronting Kuntuluma on this issue because on the northern bank of Chigwandembo stream there was a Ngoni Village Headman to whom these Ngoni people in Kuchiunda's village could seek for advice on this matter. Chinkwenzule preferred his people to remain under Kuchiunda.

But Chinkwenzule's intervention in the matter did not dissuade Kuntuluma from pursuing his expansionist policy; and in the end he forced Kuchiunda to advise Chinkwenzule to have his people transferred to his kaundula. However, this advice was not feasible because Chinkwenzule was in Kasupe District while the Ngoni tax-payers in question were in Zomba. To have these people transferred to their tribal leader would involve their leaving Zomba District for Kasupe; while to have them remain in Zomba would require that either they get swallowed up by Kuntuluma or establish their own administrative village. They chose the second alternative and Chinkwenzule asked Mlumbé if he might recommend to the Government that his son Howe be appointed Village Headman for this Ngoni group.

In 1954 Howe became Village Headman in his own right and independent of both Kuntuluma and Kuchiunda. But his independence only meant the creation of a breathing space for Kuchiunda and the transfer of the problem posed by Kuntuluma from Kuchiunda to Howe. Kuntuluma had early on in fact succeeded in recruiting Mr. Merton Katola, a Ngoni, into his village. When Howe became Village Headman Katola refused to transfer his name from Kuntuluma to Howe. But he continued to occupy a piece of land in Howe's administrative area, and it had been Howe's hope that one day Katola might be persuaded to change his allegiance. In this respect, population growth and the relative decrease of space where

Katola might expand his cultivations worked in Howe's favour.

By 1970 Katola's sorority-group had grown so that he needed land where his sisters and their husbands could grow food for subsistence. But Howe could not let them have more land than the one they were already making use of unless they changed their allegiance to him. On the other hand Kuntuluma did not contemplate Katola's settlement to shift to his village area. Instead, he encouraged Katola to expand his fields towards Howe's settlement, for he claimed that Howe's village was in fact on Kuntuluma's land. And on the basis of this claim he unilaterally went to re-demarcate the boundary between the two villages, claiming a distance of about two hundred yards north of Mpumbe stream which was the natural and original boundary. Katola, whose settlement was on the northern bank of the stream, was to extend his fields within the limits of this new boundary.

This unilateral act of Kuntuluma was not only in defiance of Howe, but also of Kuchiunda who had welcomed him to settle in that part of Chingale, and who was later on called upon to give evidence to Mlumbe's councillors who came to settle the ensuing dispute between Howe and Kuntuluma. The way this dispute was settled will be left for discussion in the next chapter, for it illustrates how village and political party leaders interacted. What is of interest here is that from this dispute can be discerned two antithetical aspects of the system of land tenure. On the one hand there is a hierarchical system in which Kuntuluma and Howe are given subordinate positions in relation to Kuchiunda. But Kuntuluma's disregard of Kuchiunda's authority over land matters creates a dynamic situation which generates an egalitarian structure which places Kuntuluma and Kuchiunda in the same position.

Yet, even Kuntuluma's behaviour generates a hierarchical system when his asserted relationship to Howe is taken into consideration. And, as it will be made clear in the next chapter, even Howe asserted his autonomy from Kuntuluma. The situation is therefore confused and dynamic.

The dynamic expression of the system vibrates all over Chingale, for no village may claim that they have not been involved in land disputes with other villages. But only a few additional cases will be cited to illustrate how widely spread was conflict over land in 1970. For instance, not far away from Kuntuluma's village there was a dispute between a Yao Village Headman, Salimu M'manga, and a Lomwe Village Headman, Yohane. Both of them had been permitted to settle in this part of the area by Village Headman Fikila, another Yao Village Headman.

At the beginning the two contending Village Headmen had established an affinal relationship and M'manga was residing in Yohane's village where he was married to Yohane's sister. But when Yohane died, M'manga started to claim land on the side of Yohane's village. Since the new Yohane was not residing in his own village it was easy for M'manga to make this claim and to actually re-demarcate the boundary between the two villages in the absence of the other Village Headman. Yohane complained to Chief Mlumbe who sent his councillors down to the area to settle the dispute between these Village Headmen.

Mlumbe's councillors found it difficult to settle the case because M'manga did not co-operate with them. When they decided that the boundary be clearly defined he sought to take the matter to Chingale Local Court. It was when he was told by the Court Clerk that land matters were the responsibility of Mlumbe that he decided to compromise with the decision of Mlumbe's councillors. The role of Fikila in the

settlement of this case was crucial. But despite his evidence which showed that M'manga was wrong, M'manga chose to defy him in preference to the Local Court.

To move out of Mkasala's section and go to Mbukwite's. There too the system was dynamic, as it is witnessed by disputes between two Yao Village Headmen, Mkawa and Kumainga; and between Mkawa and another Yao Village Headman Kamwendo. The first dispute flared up because Mkawa had given the same piece of land to two groups of people at different times. Kumainga was the first person to be given the land to settle and cultivate. But he did not cultivate it all at the same time. Instead, he practised a system of shifting cultivation within this small area such that when other land seekers came to Mkawa there was land which had been left to rest by Kumainga. Mkawa gave this land to the new settlers without consulting Kumainga and this disregard of one's neighbour sparked off a dispute between the Yao Village Headmen. Kumainga reported the matter to Group Village Headman Mbukwite who settled it by blaming Mkawa.

The cause of the dispute between Mkawa and Kamwendo was the former's gamesmanship. The two Village Headmen were neighbours of long standing. But Kamwendo had arrived later and was occupying land vacated by V.H. Kumalundu from whom Kamwendo got permission to do so. Early on Kamwendo had sought to get Mkawa to co-operate in defining a boundary between their villages. But Mkawa saw no point in doing so since the two Village Headmen were the same people.<sup>3</sup> Towards the end of 1969 Mkawa began to stop Kamwendo's people from cultivating fields which he claimed

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<sup>3</sup> This refers to the fact that both Village Headmen were Yao.



were in his village area. But Kamwendo advised his people not to heed what Mkawa was saying and this infuriated Mkawa who went to report the matter to Mbukwite. And the Group Village Headman ruled against Mkawa.

A good example which can be cited from Balamanja's section involves Group Village Headman Mbukwite and a Mang'anja Village Headman Masaula of Balamanja. This dispute is both inter-sectional and inter-ethnic. The originator of the dispute was Masaula who, after having received new settlers, went with them to Village Headman Nampula's administrative area to settle, and besides this he enticed Nampula, a Lomwe, to change his allegiance from Mitumbili to himself on the ground that Nampula was occupying Masaula's land. But Nampula had been given this land by V.H. Mitumbili who was under G.V.H. Mbukwite and would not have anything to do with Masaula. He reported the matter to Mitumbili who hastened to report it to Group Village Headman Mbukwite who confronted Masaula. This case was referred to the Malawi Congress Party Leaders in the area who listened to the contenders on the 15th of September, 1970.

All these social conflicts generate from a contradictory social situation which has a long historical record. The interaction of three factors gives rise to this situation. In the first and second places there are the ever-present factors of population growth and the relative decrease in land area, and in the third place there was the colonial factor which created an economic system that expressed itself in the form of competition among Village Headmen for the attraction of a large number of tax-payers in order to have an increased Government stipend.

What is contradictory in this social situation is the fact that population growth increasingly results in the detachment of marginal groups of people from the centre of village administration, and from

these marginal groups emerge leaders who become prospective Village Headmen and ultimately seek to become administrative Village Headmen. When the Government approves the appointment of such applicants two consequences follow. First, in the eyes of the Government the new Village Headman and the Headman who had recommended his appointment become equal in status. But the second consequence is the reverse of the first in that the new Village Headman, through the traditional system of land tenure, becomes subordinate to his referee. That is because although the new Headman takes with him the piece of land on which his followers have built their huts and opened their gardens, his referee does not surrender his traditional claim over it.

These two consequences underlie the contradiction between systems of administrative villages and land tenure on customary land. Under the system of administrative villages every group of people whose adult male members pay poll tax to the Government in the name of their Headman is associated with the ownership of a clearly demarcated and fixed piece of land. Since each village is a neighbour to other villages, there are bound to develop conflict situations between them. Yet, the administrative framework is not sufficient to provide solutions to these conflicts which arise from a wider socio-economic framework of a long historical standing.

The limitation of the administrative framework is an aspect of the dynamic nature of the social situation which it organises. The bounded administrative partitions do not conform to notions that Village Headmen have about their system of land tenure. This notion is that there are some Village Headmen who, on behalf of their people, have prior claims over land. These Village Headmen are those who have been in the area

for a long time and have played host to immigrants by showing them places where to build huts and cultivate their crops. Such Village Headmen are usually the source of binding evidence which is required when neighbouring Village Headmen or gardeners dispute over boundaries, and an acceptance of such evidence is tantamount to recognition of a higher status of the Village Headman concerned.

Thus, the notion of land tenure generates a hierarchical system which is not usually portrayed when one classifies pre-colonial land-ownership as communal. But this hierarchy of land tenure is made apparent through the analysis of leadership in administrative villages in relation to land, and such an analysis reveals that the two systems correspond to each other. So, it is by looking beyond the official system of administrative villages, through the medium of migration which affects the question of land, that what relates the system of land tenure to the administrative framework becomes obvious. This linking mechanism is the expansion of the system of villages and the relative contraction of area to accommodate it.

However, the exposition of the linking mechanism between the two systems is not complete without the demonstration of how new comers into the area acquire land and how the system responds to immigration. To begin from the expansion of the system of villages on a fixed area of land. It is plain that fragmentation of land owing to the re-drawing of administrative boundaries cannot go on indefinitely. Also, it is clear that a village cannot continue to receive new settlers if there is no room to accommodate them. Some villagers in Chingale are aware of the second fact. This is because the demographic process has made the practice of shifting cultivation obsolete, for there is no room which can accommodate it to the extent that every village can practise it.

According to this practice, continuous use of a garden <sup>4</sup> is not associated with a system of crop rotation and the practice of re-fertilising land at short intervals. Instead, after cultivating a field for a period of three to five years villagers abandon it and clear another field for cultivation while the exhausted field recovers its fertility naturally. Also, as the distance between the settlement and the new fields grow, so do villagers move their huts nearer to their gardens. This can no longer be done in Chingale. Yet, immigrants continue to pour in and they do get accepted. It is to the way they acquire land that the next section devotes itself in order to demonstrate how the system of land tenure responds.

#### Nodes of acquiring land:

There are two ways in which this problem may be understood. First, there is the official way of starting from the highest authority in the administrative structure. The other way starts from the grass-roots. But in either way the relationship between the village and its constituent parts is still crucial. This relationship is based on the fact that both the administrative and kinship frameworks compromise on land matters. That is to say land is the bait which attracts groups of people to settle in a village while responsibility for land which is being used by any group is delegated by the Village Headman to the head of the group in question.

It is also the responsibility of the head of the sorority group in a hamlet to find fields for members of the group, and he finds these fields from the Administrative Village Headman. In this way the warden of the sorority group acknowledges his subordinate position to that of

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<sup>4</sup> By 'garden' in Malawi they mean a patch of cleared land on which they grow crops for subsistence. The term 'farm' is usually associated with bigger fields for growing cash crops.

the Administrative Headman who allots fields to the hamlet heads who, in their turn, allot gardens to their members.

So, starting from the fact that every family belongs to a hamlet which belongs to a village, which belongs to a sub-administrative traditional authority, which further belongs to an administrative traditional authority, one may be led to expect that immigrants into Chingale follow this administrative channel in order to get places where to settle. But there are cases where this channel is by-passed, and such cases give rise to an expression of the ambiguous element in the system of land tenure.

To illustrate the point, a court case involving Antoniyo Liche, the complainant, and Ositeni Wadi, the defendant, is here cited. It was on the 6th of June, 1970, when both Liche and Wadi appeared in the Chingale Traditional Court. Wadi was accused of having maliciously destroyed Liche's huts. The case was prosecuted by Police because it was treated as a criminal offence.

Liche was from Nsanje District. He had come to Chingale to stay with his kinsman who had settled in a village called Matanda headed by a Yao man. But Matanda could not settle Liche in his village owing to shortage of land. Instead, Matanda negotiated with Village Headman Makombe, a Makololo man, to settle Liche and his sorority group. Makombe granted them permission and allotted a piece of land to them. But when Liche was in the process of building huts, Wadi, a villager in Makombe village, went to protest to Matanda against Liche's settlement in Makombe village, adding that he was going to pull Liche's huts down. He even refused to listen to Matanda's plea that he, Matanda, should be given time to go and call Makombe so that they should discuss this issue together. The end result was that when Matanda was away to

call Makombe Wadi went and pulled Liche's huts down.

The above example shows how unsystematic the procedure of looking for land can be. It shows that although the land seeker follows his kinsmen already settled in the area, he does not settle in the same village with his kinsmen owing to the fact that there may be no room for the new comer in this village. But on arrival the settler-to-be is taken by his kinsman to his Village Headman who negotiates with a friendly Village Headman to settle the new comer. But the Village Headman who is willing to settle the new comer is himself not free from opposition from some of the members in his village. These are concerned that there should be enough land for the younger generation of the village to utilise, while the Village Headman is interested in enhancing his prestige by increasing the number of tax-payers as well as seeing to it that nobody goes without a place where to settle when some old members of the village are not capable of utilising all the land which has been allotted to them.

The fear of the old settlers in a village is not that by granting settlement to new comers their Village Headman is parting with absolute rights of land ownership, but the situation is such that even though the concept of absolute land ownership is not acceptable to the people, the settlement of new comers is indefinite. As it has been pointed out by Duly,<sup>5</sup> it is very difficult for any Village Headman to take away land from the people using it when he needs it, but only when they move away permanently. This is particularly true of land seekers who go to Chingale. They are usually those people who have nowhere else to stay because of population pressure in Southern Malawi. Besides,

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<sup>5</sup> Duly, A., 'The Lower Shire District; Notes on Land Tenure and Individual Rights', in The Nyasaland Journal, I, 2, July, 1948, 24.



they are a people who have for a long time not been practising shifting cultivation because where they came from there was limited space of land to accommodate such a system. Therefore, when they find places to settle and cultivate in Chingale they are likely to hold to the land indefinitely. This is bound to scare those old settlers who are aware of the problem.

Nevertheless, despite the fact that some villagers do exert pressure on their Village Headmen not to welcome new settlers, immigrants flow into the area, and they do find places to build their huts and make gardens. This is possible because of an alternative way by which agreement between opposed groups in villages can be brought about. According to this way the land seeker first explores possibilities of finding a place to settle through his kinsmen or friends in the area. These know influential villagers whose support is essential before a formal request is made to the Village Headman. But this is not to say that Village Headmen do not impose their will on villagers. On the contrary, the case of Liche and Wadi illustrates the point that Village Headman Makombe had welcomed Liche into his village against the wish of Wadi. But this case also gives a moderate example of a diverging case in that Liche did not start from the Chief going downwards, nor did he first gain support from influential people like Wadi before approaching Makombe. His admission into Makombe's village was a bilateral arrangement between two Village Headmen.

It is worth noting, however, that the process of looking for a place where to settle, in so far as it starts from below, presupposes a challenge to the authority of the Village Headman by their influential members. This is so in that new settlers who come into the village through these people are likely to be loyal to their

referees. Should these influential villagers have the ambition to become administrative Village Headmen, then they stand a chance to exploit the loyalty they have invested in these new settlers.

It has been shown in this chapter that the system of land tenure can be derived from social interaction. This is in contrast to the usual way of looking for such a system in rules. The difference between the two approaches is that the one postulates normative systems while the other analyses the interaction between this ideal system and the actual conflict situations. The consequence of such an interaction is usually an ambiguous system. This study locates sociological problems of vital importance to ambiguity.

This chapter has particularly dealt with the ambiguous system of land tenure as a response to the expansion of the system of administrative villages. The ambiguity of the system has been attributed to the fact that through the analysis of social interaction it has been possible to isolate at least two systems: a hierarchical system in which a ranked system of village leadership is accommodated, and an egalitarian system which is characteristic of the official structure of administrative villages in relation to one another.

It has also been demonstrated that the response of the system of land tenure to continuous immigration of settlers is one of rejection. But it has also been argued that this rejection does not, however, stop people from coming into the area to seek for places to settle. This gives rise to an elaborate method of getting into the village through influential people who may, as a matter of fact, benefit from sponsoring new comers' application for admission into the village if their ambition is to become Administrative Village Headmen. It should be added that the Liche-Wadi case also shows how people of the same ethnic

group get dispersed into different villages.

The system of land tenure has been derived from that of village leadership. But the system of leadership has not been discussed fully. The following chapter is entirely devoted to the analysis of leadership in Chingale and seeks to demonstrate how two different types of leadership interacted with one another.

CHAPTER SEVENVILLAGES AND PARTY POLITICS IN CHINGALEConceptual Distinction between Village and Party Leadership:

The last chapter analysed the relationship between neighbouring Village Headmen. The aim of the analysis was to try to understand the problem of disputes over land. It was demonstrated that the interaction between Village Headmen expressed more than one social structure. Starting from the atomistic system of administrative villages, stable and unstable hierarchies of leadership were discerned. The stable component of the system was attributed to the fact that some Village Headmen accepted their dependent position on others in relation to land, while the instability of the system was explained in terms of the contradiction between the expansion of the system of administrative villages and the relative decrease in land area supporting the system.

Another type of leadership, provided by the Malawi Congress Party, was also mentioned in the preceding chapter. This chapter will specify the character of this second type of leadership by relating it to the first type. Analysis will start from a semantic problem associated with the Chichewa concepts of mfumu and mtsogoleri, and then proceed to roles of one type of leader in activities of leaders of the other type. It will be seen that the party leader occupied a stronger position of leadership than the village headman or mfumu.

To begin with mfumu. This is a Chewa word for leader of a group of people living in a kinship village or mudzi. Yet, this title is also used to designate an administrative Village Headman, a Group Village Headman, and a chief.<sup>1</sup> The English equivalent of the word is

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<sup>1</sup> Wishlade, R.W., 'Two Kinds of Headmanship in a Rural Area in the Southern Province of Nyasaland', in Apthorp's, From Tribal Rule to Modern, R.L.I., 1966, p 150.

chief,<sup>2</sup> and it was common experience to hear English speaking people in Chingale say 'chief' when they referred to a Village Headman.

This variable application of the term to incumbents occupying differentiated positions created a semantic problem whose analysis showed that the concept mfumu had more than one structural implication. One implication is that the differentiated system of village leadership was a new phenomenon and that the people organised by this new framework had not yet come to terms with it. The other implication is the opposite of the first one. It assumes an existence of a heterogeneous system of leadership, part of which is differentiated from the rest by the term mfumu. The first implication seems to apply to the way the concept was used in Chingale. To recall what has been discussed in the third chapter, the ambiguity of the term mfumu is indicative of the way the development of the system of villages was directed during the British Colonial rule in Malawi. In this venture the Protectorate Government reduced an erstwhile atomistic system of leadership to a clearly defined hierarchical system in which traditional leaders were also ranked in different positions.

In 1970 the new system had been in operation for fifty-eight years, and yet there was no corresponding change in Chichewa to fit into the three categories of Village Headman, Group Village Headman, and Traditional Authority. The term mfumu was still used to apply to all these categories. By doing so the people who used the term variably were reducing all these administrative categories to the same plane, thereby postulating an egalitarian system of leadership. They even went as far as using the term mfumu to designate the non-administrative

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<sup>2</sup> Scott, D C., op. cit., p 295

wardens of sorority groups, and in this way placed them in the same category with their administrative superiors.

It was only when this ambiguity was revealed to them that some of the respondents began to re-define the system by distinguishing mfumu ya chitaganya from mfumu ya mudzi, and mfumu ya chitaganya from mwini dziko.<sup>3</sup> But this rationalisation should not blur the significance of the system designated by the term mfumu in its pre-administrative sense. Its ambiguity in the context of the present administrative village system accounts for the instability of the hierarchical system of land tenure characterised in the preceding chapter.

The ambiguity of the term mfumu in its modern usage arises from the fact that the rise and fall of traditional leaders due to external factors of change, like invasion and colonisation of the Shire valley and highlands in the nineteenth century, did not destroy the atomistic political system which prevailed then. It was shown in the second chapter that this system was interwoven in the fabric of the system of land tenure.

On the other hand, whereas the term mfumu implies an undifferentiated pre-colonial system of leadership, its place in the twentieth century political system of Malawi is a combination of political party and traditional organisational principles. This combination affects the system of leadership in that mfumu ceases to be the sole leader. In this new system the term mfumu assumes the function of differentiating the Village Headman from the political party leaders.

In Chingale, the term which was reserved for the party leader was mtsogoleri. In English this Chichewa word means 'leader'. But it has

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<sup>3</sup> This literally means 'owner of the land'; but the chief does not have exclusive proprietary rights in land.



also been stated above that mfumu means a 'leader of a group of people living in a village'. In this way the term mtsogoleri does not differentiate between the two types of leadership. This ambiguity was, however, rationalised by reserving the term mtsogoleri for a political party leader only.

The exclusion of mfumu from the category of mtsogoleri is historically significant. It has been shown in the fourth chapter how the articulate African reacted when traditional leaders succumbed to the temptation of collaborating with the Protectorate Administration. It was from the difference in the roles of the two types of leadership in the colonial situation that the party leader earned his monopoly of the title mtsogoleri and denied its application to mfumu. In this way, the term mtsogoleri means more than its English equivalent 'leader'. It means he who championed the cause of African emancipation from colonial rule.

This conceptual distinction between the two types of leadership also reflects the structure of leadership which emerged from situations of interaction between Village Headmen and Party leaders in Chingale. The rest of this chapter will be devoted to the demonstration of this statement. First, the role of Village Headmen in party politics will be analysed, and secondly the role of party leaders in activities which fall within the jurisdiction of traditional leaders will also be analysed. It is hoped that in the final analysis the emerging picture will show that political party leaders in Chingale wielded more power than Village Headmen.

#### Role of Village Headmen in Party Politics:

In 1970 the Malawi Congress Party was the only political organisation

in the country.<sup>4</sup> It permeated the whole spectrum of national life down to the regional, district, areal and village levels. Chingale was one of the thirteen area branches of the party in Zomba District.<sup>5</sup> Virtually everybody in the area was a member of the party irrespective of whether he had paid his annual subscription by buying a party card or not.

There were fifty-nine branches in the area, and each branch had three component parts of the party, namely; main body, women's league, and youth league. Each of these component parts was an organisation in its own right and had its own committee of ten people, namely; Chairman, Secretary, Treasurer, their three respective assistants, and four committee members. The composition of these branches varied with the size of village population.<sup>6</sup> For example, thirty-two branches were each constituted by not more than one village, while only one branch was composed of members from less than a village. The rest had more than one village population each. It is worth adding that out of one hundred and forty-three villages only ninety-six were grouped into party branches while forty-seven villages were not. Some of the forty-seven villages had just attained their administrative status during the year, an intervening factor which inflated the number of villages not accounted for by the branch system. But such villages belonged to branches of their parent villages from which they had sprung. On the other hand, the unaccounted for villages had their branches suspended

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<sup>4</sup> Malawi became a one party state in 1966; but even before that year there was virtually no opposition in the country when the country became independent in 1964.

<sup>5</sup> I am indebted to Mr. Edson Jussu who, in his capacity as Area Secretary, gave me details on the composition of the Area Branch of the Party in 1970.

<sup>6</sup> The most densely populated village had 1793 people, while the least densely populated had eighteen people only.

for a while due to unsatisfactory organisation by their leaders.

This brief analysis of the composition of party branches reveals the substantive content of the system. Like the administrative system, the party branch system was also rooted into the system of villages. Both served as channels of communication between the people they represented and the Government. But the two differed in that the administrative channel was used for the propagation of Government policies which had already been approved by the national Executive Government, while the party generated the people's feelings for the need of the formulation of policies. In other words, the first channel was used by the party which had formed the Government. Yet, it was the same people who controlled both the party and administrative machineries at the top, and it was the same people who were organised by these principles at the grass roots level. The intertwining of the two systems, therefore, begins from the national level.

National leaders used the political party framework to bring national unity about and to maintain it. Through the system of party branches they urged villagers to be united, to be loyal to the party, to be obedient to their leaders, and to be disciplined among themselves. These four cardinal principles of the party were publicised as local party leaders organised meetings to be addressed by leaders from the national, regional, and district levels; as they organised people to participate in national ceremonial functions during the Republic Day; and as they encouraged villagers to pay their annual party membership subscriptions.

Since the two types of channel converged at both ends, it is logical that there should be a coming together of Village Headmen and party office-bearers in Chingale. The interplay of the two systems began at the

village level. What used to be traditional shelters for village councils before the establishment of party branches in the 1960s became party branch meeting places. These were usually under shades of mango trees and were named branches. Members of the former councils (or village courts) became members of their respective branches. Village Headmen retained their traditional positions. But leaders of the new organisation were subject to annual elections.

Members of each branch met or were supposed to meet once a week, depending on the availability of subjects to be discussed. The business of the meetings was usually a combination of party politics and settlement of disputes between villagers. In either case an elected party Chairman presided over the meeting. In connection with the settlement of disputes, the role of the branch meeting was to reconcile disputants without imposing fine on any of the two. They also acted as a filter of serious cases from trivial ones. They dealt with the latter category of cases and sent cases of the other category to higher authorities like Chief Mlumbe, to whom they sent all cases of sorcery accusation and land disputes through Group Village Headmen, and to Chingale Local Court where they sent criminal cases through Police.

In the event of their failure to settle minor cases, Branch Meetings referred these to the area meeting<sup>7</sup> which also sought to reconcile disputants without punishing the guilty. It was only when the area meeting also failed to bring reconciliation about that they sent such cases to the Local Court where the guilty person was fined by the Court.

The area branch meetings were held every Thursday. Group Village

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<sup>7</sup> This practice was discouraged on the 26th of April, 1970, because it was found that it was being done at the expense of party organisation in villages. But at the village level the practice continued.

Headmen and party branch officials used to attend these meetings, and records of villages and branches represented at the meeting were kept. Sometimes these meetings were also attended by Public Servants who extended educational services in public health, agriculture and community development to rural areas. It was at such meetings that these Servants were first introduced to Village Headmen and party branch officials by the Area Chairman of the party. This was the ideal procedure that a newly arrived Public Servant had to take before he went to work with people in villages.

It follows from this analysis that the role of the Village Headman in the party was that of a participant in the audience. But this is not to say that Village Headmen held no positions in the party. In fact, out of forty-six Village Headmen who were interviewed in 1970 six were holding positions in the party. One of these six was Area Secretary, one was both Branch Chairman and Area Committee Member. Nevertheless, there was a tendency among Village Headmen not to seek for election to a party office. This is because once elected to lead a branch which is composed of more than one village the elected Village Headman would find difficulty in leading people of a different village as such leadership might be interpreted to be a prelude to the enhancement of his traditional position.

However, there was no policy to stop Village Headmen from seeking to be elected to hold party positions even though one respondent expressed the view that Village Headmen were not supposed to hold party offices, and that two stopped to hold party positions as soon as they became Village Headmen. But these odd answers serve to show that some Village Headmen see their position as a very restricted one.

Plate III:

OFFICIALS OF THE AREA BRANCH OF THE M C P



The Chairman is second from the right. On the extreme left is V H Idana who was elected to the Committee. Third from V H Idana is Mr Manthongo, the Vice-Chairman. They are standing against the background of the Party Office.



The limited participation of the Village Headman in the party leadership also indicates that he does not represent the area in political activities outside the area. As part of the Zomba West constituency Chingale was represented in the Parliament of Malawi by Mr. A.A.Lisimba who was from the mountain side of the constituency. As a local authority area it was divided into two District Council Wards. The higher terrace was represented in the Zomba District Council by Mr. A.W. Zimbili, who was also the Area Chairman of the party; and the lower terrace was represented by Mr. Manthongo, Vice Area Chairman of the party. Both of these leaders had been elected unopposed on the party ticket to represent their respective Wards.

In the District Council the two representatives participated in making decisions which were aimed at providing primary education, local marketing facilities, inter-village roads, and postal services to remote parts of the District. They also participated in making decisions which enabled the District Council to exercise control over business premises as well as over the brewing and sale of traditional beer in rural areas of the District. This left the Village Headmen with very little authority. Their major function was to accelerate the payment of annual poll tax by their villagers. But the actual collection of this was done by a Tax Clerk resident at Chingale Station.

Another sphere in which the party was represented was the Zomba District Development Committee. It was composed of Civil Servants working at the District level, District Chairmen of the three sections of the Malawi Congress Party, Local Members of Parliament, Chairman and Clerk of the District Council and the Supervisor of the Farmers Marketing Board.<sup>8</sup> This Committee was charged with the responsibility of

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<sup>8</sup> District Development Committee, Malawi Government Printer, Zomba, Feb. 1969, p 19.

initiating development projects in the District. The efficient execution of its decisions depended on the co-operation of all organisations represented in it.

It is clear from this composition of the D.D.C. that traditional leadership was not represented. Instead, the onus to mobilise villagers to co-operate with the Committee in the execution of its decisions rested on the shoulders of traditional leaders. These were organised into Action Groups of which there were three in Chingale. From these three organisations evolved a Water Development Committee which, between 1968 and 1969, mobilised members of sixteen villages to dig a trench from mount Zomba for the laying of plastic pipes which channel water from the mountain to those villages which had participated in the work.

The role of Village Headmen in political party and associated activities may now be summed up. The analysis of the relationship between them and party leaders reveals that Village Headmen were being led by party leaders. It has been briefly stated that the party had acquired its leading position over traditional leadership from the stand precursors of party leadership took in relation to the Colonial Government when it chose to work through traditional leaders at the very beginning of the colonial era. Since the party had won the struggle against colonial rule, and formed a national Government, it was logical that party leaders in rural areas like Chingale should enjoy the monopoly of being regarded as the only leaders (atsogoleri).

However, the leading position of party leadership to traditional leadership cannot be understood before their role in activities which fell within the jurisdiction of traditional leadership, and which had

not been taken over by party branch meetings, is analysed. The next section will be devoted to the analysis of the relationship between the two types of leader in these activities.

Role of party leaders in land disputes:

The cases which were being settled in party branches did not include intra- and inter-village land disputes discussed in the previous chapter. The settlement of these disputes was the responsibility of traditional leaders. Yet, political party leaders had a role to play in their settlement; and the analysis of this role shows how village and party leaders interacted in areas other than branch meetings.

Three episodes may be used to demonstrate this interaction. Two of the episodes to be used are those already referred to in the previous chapter. The first is the Mbukwite/Masaula dispute which was the last to be mentioned in that chapter. It is an interesting case because it deals with a much more complex problem than the second episode which brought Howe and Kuntuluma into a conflict situation. The third episode is the least complicated as it involves two families within the same village who disagreed on the location of a boundary between their gardens. Since the last case was not discussed in the previous chapter, it will be dealt with first; and the analysis will then progress in this reversed order.

The inter-family dispute took place in Bamusi village. The two families were Nkhata and Sembe.<sup>9</sup> The dispute between them arose from what might appear to be a piecemeal way in which Bamusi had distributed land for cultivation between these two families. It was sparked off by Nkhata who was found by Sembe clearing the latter's field. But Nkhata

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<sup>9</sup> These names belong to each of the male members of the two families. But these two men only had access to land through their wives with whom they resided uxorilocally.

claimed that the portion of land which he was clearing belonged to his family, and he could not understand why Sembe was claiming it. Having failed to reason with Nkhata, Sembe went to report the matter to Bamusi who, when he tried to settle it, found difficulty in persuading Nkhata to abandon the land in question.

In his turn Bamusi referred the matter to Village Headman Mitumbili.<sup>10</sup> But Mitumbili declined to intervene since he had by that time already recommended Bamusi to be appointed Administrative Village Headman and it was only a matter of time when he would officially be told of the appointment. However, Mitumbili advised Bamusi to use his own discretion and in response Bamusi went to seek for help from the area branch of the Malawi Congress Party.

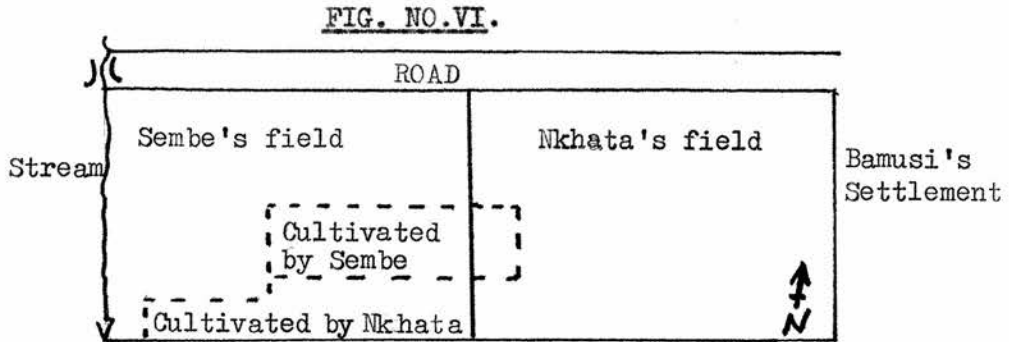
Three office-bearers of the party went to settle the dispute on the 4th of April, 1970. They were Messrs. Zimbili, the Chairman, Nkalira, the Treasurer, and Village Headman Chapweteka, a Committee member.<sup>11</sup> The two contending families were working in their gardens when these leaders arrived, and Bamusi led them to the disputed spot through a bund which also served as a boundary between Sembe's and Nkhata's fields. This official boundary was so clear that one would be led to conclude that Nkhata was in the wrong. For, as the sketch shows, all land which belonged to him was uncultivated and his only

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<sup>10</sup> Bamusi was not yet an Administrative Village Headman but a Councillor of V.H. Mitumbili.

<sup>11</sup> V.H. Chapweteka was also a relative of Nkhata, the male member of the family of the defendants.

cultivated portion of land lay in Sembe's land.



Sketch showing the disputed piece of land

The three leaders asked for an explanation to this situation and Nkhata's wife explained how she had been cultivating that garden long before Nkhata married her. Bamusi elaborated on this explanation, but his story only shows that Nkhata was disobedient to him and that the headman himself was largely responsible for the confusion which had brought this dispute about. His story was that Nkhata was a new man in the village. His wife had been married before and her former husband had passed away. The deceased person was described by Bamusi as so hard working that he won his appreciation. One day the deceased came to Bamusi and asked for more land to cultivate and Bamusi took him to the uncultivated piece of land which he had previously allotted to the Sembes. However, he added that he had told the deceased that this was done on the understanding that the piece of land in question belonged to the Sembe family to whom it would revert when they needed it. But the Sembes did not ask for it until this time.

It appears as if the deceased man did not tell his wife about this piecemeal arrangement between Bamusi and himself because when she got married again, this time to Nkhata, she showed him the disputed spot as part of her field for cultivation. She was, therefore, surprised

when she heard that the disputed spot belonged to the Sembes. What is of interest here is that despite being told by Bamusi that he had only lent that piece of land to the deceased man, Nkata resolved to continue cultivating it and swore that if he was going to be deprived of that piece of land he would divorce his wife. It was this stubbornness of Nkhata that prompted Bamusi to seek for outside help in the settlement of this dispute.

Indeed, after the party leaders had listened to Bamusi and the Nkhata family they came to the decision which Bamusi had already made and which had been rejected by Nkhata. They pointed out that Bamusi had made a mistake by not letting the female defendant know the terms on which permission to cultivate Sembe's land was granted to her late husband immediately after the arrangement had been made. But they also blamed Nkhata for having disobeyed Bamusi when he was told the position about the portion of land he was cultivating; and they ruled that he should give up that piece of land.

It is significant that party leaders were called in to arbitrate between the two families. The invitation of these leaders by a Village Headman suggests that Village Headmen looked to the area branch of the party for help in settling complicated disputes which did not fall within the scope of the Chingale Traditional Court. This dispute also shows that at the lowest level of the administrative hierarchy in a village, area party leaders could play the role of an arbitrator. This was, however, not the case when land disputes cut across village boundaries. In this latter case what was at issue was not a simple boundary dispute, but an assertion of one Village Headman's authority over people in another Village Headman's area.

An analysis of all five cases dealt with in chapter seven could



show that the role of party leaders in the settlement of these disputes is to find ways of bringing mediation between contending Village Headmen. Here only the confrontation between Howe and Kuntuluma will be analysed further to demonstrate the point. When Kuntuluma shifted the boundary from Mpumbe stream to a distance of about two hundred yards into Howe's area, Howe first reported the matter to friendly Village Headmen Kuchiunda and Jussu. But these could not convene a meeting and settle the dispute between Howe and Kuntuluma since such an act might be interpreted by Kuntuluma to mean that the two Village Headmen, by attempting to convene such a meeting, were claiming to be superior to him. The only superior person who should have convened such a meeting was Group Village Headman Mkasala who would then refer the matter to Chief Mlumbe. But the dispute between the two Village Headmen was an old one and had already been dealt with by the Chief. In fact Kuntuluma and Howe had been to the Chief in 1969, and the Chief had told them that he would be sending his councillors to the disputed spot to settle their dispute. So, Howe did not want to bother the Chief again. At the same time he could not let Kuntuluma's latest act of defiance wait for the day when the councillors would come.

Thus, after failing to get a favourable response from the two friendly Village Headmen, Howe went to report the case to the area Chairman of the party, who convened a meeting to which he summoned the contending Village Headmen as well as neighbouring party branch leaders and village headmen. The meeting took place in Katola's hamlet on the 27th of April, 1970. The aim of Mr. Zimbili, the Area Chairman, was to get a factual account from both headmen of what had actually happened before he could decide how to bring mediation about. The picture that emerged during this exploratory meeting was that Howe wanted

Katola to be paying the Government poll tax through his village. On the question of the extension of the boundary with a view to providing Katola with room where to extend his gardens, Howe held the view that he did not deny villagers from Kuntuluma permission to cultivate land in his village area since some of his villagers had their gardens on Kuntuluma's land.

The Malawi Congress Party at an area level had no power to settle a complex problem identified at this exploratory meeting. The problem was an administrative one since it involved Government poll tax which adult male villagers paid annually. The system of villages had been integrated to the administrative framework long before the party system came into being, and it had all along come under the jurisdiction of a Traditional Authority. It was to Chief Mlumbe, therefore, that the case was ultimately referred by the Area Chairman.

Little need be said about the dispute between Group Village Headman Mbukwite and Village Headman Masaula. It deserves mention only because it illustrates the point that party leadership was superior to traditional leadership in Chingale. All along this chapter has been discussing the relationship between the Village Headman and party leaders. The position of Group Headmen has not been treated as though it was different from that of Village Headmen. Whereas in the administrative framework the Group Village Headman occupied a higher position than that of his Village Headmen, his position in relation to area leaders of the party was not different from that of his Village Headmen in relation to the party.

The Mbukwite/Masaula dispute illustrates the point that even a Group Village Headman could appeal to party leadership to look into a land dispute which cut across both differentiated administrative positions

and boundaries of larger administrative sections. Although the involvement of party leadership at this level does not necessarily demonstrate its leadership over group headmanship, it still implies that the party was looked to as the unifying factor in the area.

To sum up: the conclusion to the preceding section was that political party leadership wielded more power than traditional leadership. The analysis of the role of the party leader in land disputes leads to a qualified conclusion. This is because party branch leaders did not play any role in the settlement of these disputes. Rather, it was the area leaders of the party, particularly the Chairman, who were actively involved. But these also played different roles. For example, they settled the dispute between two families in Bamusi village and referred the dispute between Howe and Kuntuluma to Chief Mlumbe. There were also cases where they merely went to witness the settlement of disputes between two Village Headmen at the invitation of Group Village Headmen who also settled some of these disputes.

Nevertheless, the fact that traditional leaders found the party leadership to be indispensable in the settlement of their disputes over land and tax-payers points to the growing power of the latter. When the role of the party in these disputes is contrasted with that of Village Headmen in party activities the domination of party leadership over traditional leadership becomes indisputable. And this raises the question whether traditional leaders condescended to this situation.

This study is not about the response of traditional leadership to the increasing power of political party leadership. But it may be appropriate to say that although in Chingale there was no overt conflict between the two types of leader, the situation was so contradictory that one would not suppose that the relationship between the

two systems of leadership was harmonious. It is the thesis of this study that this contradictory situation arose from partial change which was brought about by the Colonial Government between 1891 and 1953. This change greatly reduced the power of traditional leadership.

CHAPTER EIGHTCONCLUSION

What emerges from this study is the conclusion that socio-economic changes were accompanied by an erosion of the economic base of traditional leadership. This conclusion arises from the fact that since the decisive change took place in the system of land tenure in 1891, traditional leaders lost what would have been their source of political power during the period when Malawi was under British rule.

European planters who had assumed authority over large tracts of land in the Shire Highlands derived political power from it and used this power to further reduce the authority of traditional leaders. When the modern political party leaders emerged and eventually got control of the Government machinery, they placed themselves above traditional leaders who continued to discharge their administrative responsibilities through the subsidiary administrative system of villages.

This study has also shown that although European planters derived their political power from their control of the only means of economic production in Malawi, there was another means of wresting that power from them. This means was the generation of national consciousness and the emergence of an alternative system of leadership among Africans. Van Velsen has shown how, during the early days of its formation, Malawi nationalism was directed against particular socio-economic variables which leaders of Native Associations wanted to be changed within the colonial context. The thesis of this study is that when they realised the futility of their dependent relationship with the

Government and decided to challenge the whole concept of colonial domination, the leaders of these associations also removed themselves from the overarching system and successfully fought for their country's independence from no economic base. Consequently, the development of the modern political system had no corresponding development in the economic system.

As a result, the concept of 'development' has not been emphasised in this study. Rather, emphasis has been placed on the concept of contradiction as the foundation of change in social structure. However, this study has implicitly charted a zigzag course of development and change. It is clear from the analysis of conflict between the Government and European planters in the second, third and fourth chapters that if there was any development for the African population between 1891 and 1948, it was, to borrow an expression from Levi-Strauss, "not a comfortable 'bettering of what [they had]... but ... a succession of adventures, partings of the way, and constant shocks".<sup>1</sup> Hence, this study supports Zwanenberg's thesis that "processes of social and economic change cannot be grasped by arguing that societies move from a state of 'traditionality' to one of 'modernity'".<sup>2</sup>

To return to the concept of contradiction. This has been used as the main analytic tool to characterise social structure, which has been defined as a system of oppositions. This definition rests on the

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<sup>1</sup> Levi-Strauss, C., Race and History; Paris Unesco, 1961, p 45.

<sup>2</sup> van Zwanenberg, R.M.A., Primitive Colonial Accumulation in Kenya, 1919 to 1939: A Study of the Processes and Determinants in the Development of a Wage Labour Force; D. Phil Thesis, University of Sussex, 1971, p 2.

Also compare with Frank, G.A., Sociology of Development and Underdevelopment of Sociology; Pluto Press, 1971, pp 18-27.



assumption that counter-forces in a social system give it its ambiguous character.<sup>3</sup> The thesis of this study is that the system of oppositions has persisted through change and that by characterising a contradictory structure, such oppositions have influenced the way the Protectorate Government guided social change.

Change has mainly been traced through systems of land tenure and leadership. But a variety of other changes have also been highlighted. Some of these changes can be listed as the differentiation of the supposedly and erstwhile monolithic kingdom of Malawi; the immigration of the Yao, Ngoni, Makololo, Lomwe and Europeans; the colonisation of the rest of the groups mentioned above by the Europeans and the consequent innovation of economic and administrative systems; and the transfer of members of different African ethnic groups from different Districts in the Shire Highlands to settle in Chingale.

But all these changes are linked by a succession of oppositions between groups of people who experienced the same processes of change and who, therefore, formed the same society. The study started from the history of the disintegration of the kingdom of Malawi. This disintegration was shown to have involved an opposition between genealogically linked lineage groups of the same ethnic identity. The problem between these groups was one of succession to leadership as Langworthy has argued. Since the highest position could only be occupied by somebody from the most senior lineage, those who would have liked to occupy the same position, but did not have a chance to do so, sought to establish their own autonomy. This resulted in the multiplication of localised groups of the same ethnic identity although

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<sup>3</sup> Cf. Balandier, G., Ambiguous Africa, Cultures in Collusion, translated from French by Helen Weaver, London, Chatto & Windus, 1966, pp 196-224.

they adopted different group names.

It has been argued that the differentiation of groups of the same ethnic identity had not been carried to its absolute limits when members of other ethnic groups came into southern Malawi during the second half of the 19th century. It merely involved some groups repudiating claims of dominance made by other groups over them. When the number of ethnic groups increased in the 19th century, opposition assumed a new form. This time it manifested itself through ethnic divisions. Yet, the situation which emerged from this coming together of different African groups did not easily lend itself to a systematic classification of ethnic groups as corporate political systems. This is because there was so much movement of people from one place to another that groups were interspersed. The situation in Chingale bears witness to this contention and demonstrates that through inter-ethnic group marriages which result in the formation of poly-ethnic kinship groups, such divisions become evened out.

But the evening out of ethnic differences at the empirical level does not necessarily lead to the dislodgement of the system at the level of ideas. Evidence from Chingale has shown that administrative villages increased on the basis of ethnic boundaries although after a village had been established it attracted members of other ethnic groups. This inconsistency permeated the whole social structure.

The inconsistency of social structure in Chingale has been demonstrated from two sides. At the level of oral testimonies it has been shown that there was lack of agreement on certain points among respondents and that in some cases one testimony was self-contradictory. Instead of explaining these inconsistencies away, this study has treated them as aspects of social structure. It has also been demonstrated

that at the level of social interaction between Village Headmen, social structure was also unstable.

The colonial situation has been treated in the same way. Here the society divided into racial groups. But the relationship between groups was made complex by the establishment of the imperial economic system of agricultural estates which, to use Balandier's expression, "postpone/d/ the time of total restructuration and effective organisation" of the African segment of the society.<sup>4</sup>

This situation brought Europeans and Africans into a relationship of effective inequality in that the Africans could not by themselves improve their own position within the colonial framework. The Protectorate Government took the responsibility to do this by using what Paul Mercier terms as the "juridical fiction",<sup>5</sup> which served to postpone tension between races. But European planters, whose interests were the aim of the Government to protect, opposed the Government's paternalistic policies aimed at protecting Africans because, as Peter Worsley would put it, they wanted to "ma/ke/ sure that liberal tendencies on the part of the administration never got out of hand".<sup>6</sup> Nevertheless, the Government succeeded in the end in establishing the subsidiary system of administrative villages.

However, the influence of planters' opposition resulted in the weakening of traditional leadership. The emergence of articulate leadership provided by the precursors of the political party system filled the gap created by the weakening of traditional leaders. The

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<sup>4</sup> Balandier, G., 'Traditional Social Structures and Economic Changes', in Pierre L. Van Den Berghe, (ed), Africa: Social Problems of Change and Conflict, San Francisco, Chandler Publishing Company, 1965 p 388.

<sup>5</sup> Mercier, P., 'The European Community of Dakar', in Berghe, (1965), op. cit., p 283.

<sup>6</sup> Worsley, P., The Third World, London, Weidenfeld and Nicolson, 1971, p 44.

new leaders opposed the system of Government by Civil Servants and sought to establish an elected African Government.

When field research started in Chinagle in April, 1970, Malawi had been indepent for five years. Marks left by the colonial situation were still clear on the system of organisation. One of these marks was the co-existence, and sometimes combination, of contradictory principles of social organisation. These principles may be represented by concepts of 'tribe', administrative village', and 'political party branch'. Each of these principles provides an alternative means of organising people. But each has its limitations too.

To take the principle of a tribe first. Evidence from Chingale has shown that although members of five ethnic groups live in the area, they cannot readily be sorted out into compartmentalised tribes. One of the thesis of this study is that since the people of Malawi are interspersed, it is not realistic to classify them into tribal groups as though such groups were empirical entities. However, as 'a form of expression common to oppositions', tribalism can and does stand in the way of nation-building. But to treat tribalism in this way is also to agree with Paul Mercier who says that the study of tribalism "must be .....at the level of symbols and justifications".<sup>7</sup>

It may be argued that by invoking the principle of descent, people can be sorted out into their descent groups which can further be slotted into their tribal compartments. While admitting that this is theoretically possible, its practical use is, however, questionable. Besides, evidence from Chingale shows that the matrilineal Yao, Lomwe, and Mang'anja do inter-marry with the patrilineal

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<sup>7</sup> Mercier, P., 'On the Meaning of Tribalism', in Berghe, (1965), op. cit., p 485.

Ngoni and Makololo. Children of such mixed marriages do not readily fall into either of the systems of descent.

To take up further the theme of the practical irrelevance of sorting people out of their society on the basis of their tribal identity, it is common knowledge that the rise of Malawi nationalism was a reaction against both colonialism and tribalism. This reaction was in tune with the rise of nationalism elsewhere in Africa. Since then, the concept of a 'tribe' has increasingly come under attack from African intellectuals whose attitude towards the use of the concept is best represented by the writings of Archie Mafeje, who has criticised Social Anthropologists for what he labels as 'colonial mystification' of the concept and Okot p'Bitek, who has suggested that the term 'tribe' be dropped from sociological vocabulary.<sup>8</sup>

This attitude adopted by the African intellectuals springs from the fact that the term was used by colonisers of Africa to connote "people living in primitive or barbaric conditions".<sup>9</sup> In addition, the term was used as a means of effective colonisation as the application of the administrative principle in Malawi has shown.

It has been argued in this study that the establishment of the system of administrative villages and native authorities was not development for the Africans. Rather, the Protectorate Government sought to adapt some African aspects onto the colonial system in order to bolster it. Consequently, the system of administrative villages combined both the new and the old elements.

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<sup>8</sup> Mafeje, A., 'The Ideology of Tribalism', in The Journal of Modern African Studies, 9, 2, August, 1971, pp 254-61  
p'Bitek, O., African Religions in Western Scholarship, Nairobi, East African Literature Bureau, 1970, p 14.

<sup>9</sup> p'Bitek, op. cit., pp 14-15, and cf. Mercier, P., op. cit., p 485, footnote 11.

The principle of the party branch also operates in concert with the administrative principle. But it stands in opposition to it in so far as the latter is rooted in the tribal principle. Yet, as long as tribal groups do not emerge as political organisations, the problem of tribalism gets hidden behind the ideology provided by the cardinal foundations of the Malawi Congress Party which are 'unity, loyalty, obedience and discipline'.

The co-existence, as well as the combination, of principles of social organisations gives rise to the problem of defining local leadership. To take the case of Chingale. Two types of leader have been selected for analytic purposes to show the magnitude of the problem. These leaders are the administrative headmen and political party officials. Both of them are operating at the grassroots level and draw their following from the same people. Besides, in different situations one type of leader leads the other, and vice versa. This generates the problem of defining who the permanent local leader is.

The approach adopted in this study avoids the definition of local leadership because such a definition would rob the situation of its dynamic character. That is to say, although it has been demonstrated that political leadership has an upper hand than the administrative leadership, emphasis has been placed on opposition between them rather than on positions occupied by each. By doing so the aim has been to argue that the two types of leadership are two sides of the same system which is characterised by contradiction which generates social change.

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